



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Twenty-fifth Meeting Day

Monday Afternoon

February 28, 2005

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Pastor Derek Weber, First United Methodist Church, Anderson, the guest of Senator Timothy Lanane.

The Pledge of Allegiance to the Flag was led by Senator Lanane.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley <input checked="" type="checkbox"/>	Waterman <input checked="" type="checkbox"/>
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 187: present 48; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as second author of Engrossed Senate Bill 281.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Clark be removed as

cosponsor of Engrossed House Bill 1004.

CLARK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Clark be added as second sponsor of Engrossed House Bill 1004.

KENLEY

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I move that pursuant to Senate Rule 73, I have received from Senator Kenley, author of Senate Bills 281, 496, and 609, and sponsor of Engrossed House Bill 1004, permission for all respective second authors to call these bills for action.

GARTON

Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 424

Senator Clark called up Engrossed Senate Bill 424 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 188: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Richardson.

Engrossed Senate Bill 428

Senator Miller called up Engrossed Senate Bill 428 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 189: yeas 48, nays 0. The bill was declared passed. The

question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative T. Brown.

Engrossed Senate Bill 467

Senator Miller called up Engrossed Senate Bill 467 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 190: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Buell.

RESOLUTIONS ON FIRST READING

Senate Resolution 17

Senate Resolution 17, introduced by Senator R. Young:

A SENATE RESOLUTION honoring Mrs. Violet Crecelius of Marengo, Indiana, on her 75th birthday celebration.

Whereas, Mrs. Violet Crecelius was born in March 1930 and has four children; Jane Crecelius, Sue Jones, Donna Jones and Perry Crecelius;

Whereas, Mrs. Crecelius worked in the Crawford County Treasurer's office for several years and then was elected Treasurer of Crawford County in 1972, serving in that position until 1980 and then in 1982, she was elected as Crawford County's Clerk of the Circuit Court serving in that position until 1986;

Whereas, Mrs. Crecelius served as the Vice Chairman of the Crawford County Democrat Committee and has been very involved in politics and service to her community: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the State Senate hereby honors this great woman in celebrating 75 years of life.

SECTION 2. That the Principal Clerk of the Senate shall transmit a copy of this resolution to Mrs. Violet Crecelius.

The resolution was read in full and adopted by voice vote.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 472

Senator Lanane called up Engrossed Senate Bill 472 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 191: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Welch, Budak, and Austin.

Engrossed Senate Bill 474

Senator Simpson called up Engrossed Senate Bill 474 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 192: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Becker and Welch.

Engrossed Senate Bill 482

Senator Lawson called up Engrossed Senate Bill 482 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 193: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thomas and Richardson.

Engrossed Senate Bill 483

Senator Heinold called up Engrossed Senate Bill 483 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 194: yeas 31, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the

bill. House sponsors: Representatives Heim, T. Brown, Walorski, and Thomas.

Engrossed Senate Bill 487

Senator Kruse called up Engrossed Senate Bill 487 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 195: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Leonard, Dodge, and Adams.

Engrossed Senate Bill 498

Senator Server called up Engrossed Senate Bill 498 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure and local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 196: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hinkle and Van Haaften.

The President of the Senate yielded the gavel to Senator Garton.

Engrossed Senate Bill 523

Senator Wyss called up Engrossed Senate Bill 523 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 197: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Berror and Moses.

Engrossed Senate Bill 539

Senator M. Young called up Engrossed Senate Bill 539 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

state offices and administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 198: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Becker, Ayres, and C. Brown.

Senator Garton yielded the gavel to the President of the Senate.

Engrossed Senate Bill 570

Senator Mishler called up Engrossed Senate Bill 570 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 199: yeas 23, nays 25. The bill failed for lack of a constitutional majority.

Engrossed Senate Bill 572

Senator Miller called up Engrossed Senate Bill 572 for third reading:

A BILL FOR AN ACT concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 200: yeas 40, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

Engrossed Senate Bill 590

Senator Riegsecker called up Engrossed Senate Bill 590 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 201: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Budak and C. Brown.

Engrossed Senate Bill 634

Senator Paul called up Engrossed Senate Bill 634 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 202: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hoffman and Saunders.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1004

Senator Clark called up Engrossed House Bill 1004 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1004-1)

Madam President: I move that Engrossed House Bill 1004 be amended to read as follows:

Page 2, delete line 5 and insert "**liability resulting from the taxpayer's failure to comply with IC 6-3-1-3.5(b)(3) with regard to the tax imposed by IC 4-33-13.**".

Page 2, delete lines 6 through 7.

Page 2, line 8, delete "amnesty period begins.".

Page 5, line 31, delete "or".

Page 5, line 33, delete "section." and insert "**section; or**".

Page 5, between lines 33 and 34, begin a new line block indented and insert:

"(3) verifies with reasonable particularity that is satisfactory to the commissioner that the taxpayer did not ever receive notice of the outstanding tax liability."

(Reference is to EHB 1004 as printed February 16, 2005.)

FORD

Motion prevailed. The bill was ordered engrossed.

SENATE BILLS ON SECOND READING

Senate Bill 20

Senator M. Young called up Senate Bill 20 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 20-2)

Madam President: I move that Senate Bill 20 be amended to read as follows:

Page 2, line 26, after "IC 22-2-6-2(b)." insert "**However, the amount of the deduction shall not exceed one hundred dollars (\$100).**".

(Reference is to SB 20 as printed February 22, 2005.)

M. YOUNG

Motion prevailed.

SENATE MOTION (Amendment 20-9)

Madam President: I move that Senate Bill 20 be amended to read as follows:

Page 4, line 25, after "for the" insert "**employee's**".

Page 4, line 25, after "uniforms" insert "**that are:**

(A) ordinarily and customarily provided by an employee in the employee's trade or occupation; and".

Page 4, line 26, before "worn" begin a new line double block indented and insert: "**(B)**".

Page 4, line 28, after "for the" insert "**employee's**".

Page 4, line 28, delete "**or rental**".

Page 4, line 28, after "of " insert "**handheld**".

Page 4, line 29, after "equipment" insert "**that are:**

**(A) ordinarily and customarily provided by an employee in the employee's trade or occupation; and
(B)".**

Page 5, between lines 17 and 18, begin a new paragraph and insert:

(c) If an employee incurs:

(1) a stop payment, an insufficient funds, or another fee imposed by a financial institution; or

(2) a late payment charge imposed by a creditor; because the employee's initial submission, deposit, or transfer of the employee's employer's payroll payment to a financial institution or check cashing service is denied for insufficient funds, the employer shall reimburse the employee for any of the fees and charges described in subdivision (1) and (2) paid by the employee. The employer shall reimburse the employee under this section not later than seven (7) days after the date the employee presents proof of payment of the fee or charge to the employer. A fee or charge under this section that remains unpaid by the employer after seven (7) days is considered unpaid wages under IC22-2-5 and IC 22-2-9."

(Reference is to SB 20 as printed February 22, 2005.)

SIMPSON

The Chair ordered a division of the Senate. Yeas 16, nays 31. Motion failed.

SENATE MOTION (Amendment 20-1)

Madam President: I move that Engrossed Senate Bill 20 be amended to read as follows:

Page 5, between lines 17 and 18, begin a new paragraph and insert:

"(c) If an employee incurs:

(1) a fee for:

(A) a stop payment;

(B) insufficient funds in an account; or

(C) other reasons;

imposed by a financial institution;

(2) a late payment charge imposed by a creditor; or

(3) both of the items described in subdivision (1) and (2); as a result of an employer's payroll payment being delayed

or denied for insufficient funds upon initial submission, deposit, or transfer of the payment to a financial institution or a check cashing service, the employer shall reimburse the employee for the fee or charge, or both not later than seven (7) days after the employee presents proof of the fees or charge, or both to the employer."

(Reference is to SB 20 as printed February 22, 2005.)

SIMPSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 126

Senator Zakas called up Senate Bill 126 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 141

Senator Gard called up Senate Bill 141 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 327

Senator Hume called up Senate Bill 327 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 327-3)

Madam President: I move that Senate Bill 327 be amended to read as follows:

Page 2, between lines 37 and 38, begin a new paragraph and insert:

"(e) In its annual determination of an agricultural land base rate value to satisfy the requirement for an annual adjustment under subsection (a), the department of local government finance shall determine the value using the methodology reflected in Table 2-18 of Book 1, Chapter 2, Agricultural Land Base Rate Value of the department's Real Property Assessment Guideline (as in effect on January 1, 2005), except that the department shall adjust the methodology to use a eight (8) year rolling average instead of a four (4) year rolling average."

Page 34, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 25. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "assessment date" has the meaning set forth in IC 6-1.1-1-2.

(b) For the property tax assessment of agricultural land for assessment dates in 2005 and 2006, the statewide agricultural land base rate value of eight hundred eighty dollars (\$880) per acre is substituted for the statewide agricultural land base rate value of one thousand fifty dollars (\$1,050) per acre in the Real Property Assessment Guidelines of the department of local government finance that apply for those assessment dates.

(c) This SECTION expires January 1, 2008.

Renumber all SECTIONS consecutively.

(Reference is to SB 327 as printed February 16, 2005.)

HUME

Upon request of Senator Hume the President ordered the roll of the Senate to be called. Roll Call 203: yeas 17, nays 31. Motion failed.

SENATE MOTION
(Amendment 327-4)

Madam President: I move that Engrossed Senate Bill 327 be amended to read as follows:

Page 17, line 3, after "with" insert **"the area plan commission or"**.

Page 17, line 15, after "." insert **"Each area plan commission shall, before the tenth day of each month, deliver a copy of each assessment registration notice described in subsection (a) to the assessor of the county where the property is located."**

Page 17, line 21, after "by" insert **"the area plan commission or"**.

Page 17, line 22, strike "by".

Page 17, line 23, strike "the county assessor:" and insert **"under this subsection:"**.

Page 17, line 42, after "to" insert **"the area plan commission or"**.

Page 33, line 26, after "under" insert **"IC 6-1.1-10-16 or"**.

Page 33, line 31, after "under" insert **"IC 6-1.1-10-16 or"**.

Page 33, line 36, delete "under IC 6-1.1-10-24".

(Reference is to SB 327 as printed February 16, 2005.)

WEATHERWAX

Motion prevailed. The bill was ordered engrossed.

Senate Bill 348

Senator Server called up Senate Bill 348 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 348-1)

Madam President: I move that Senate Bill 348 be amended to read as follows:

Page 1, line 14, after "by" insert ":

(i)".

Page 1, line 14, after "law" insert ";

Page 1, line 15, after "or" begin a new line triple block indented and insert:

"(ii)".

Page 1, line 15, delete "agreement." and insert **"agreement, which do not include terms concerning the termination of a rental agreement for a tenant's failure to comply with an obligation of the rental agreement."**

(Reference is to SB 348 as printed February 11, 2005.)

SERVER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 360

Senator Miller called up Senate Bill 360 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 360-2)

Madam President: I move that Senate Bill 360 be amended to read as follows:

Page 2, line 24, delete "nineteen" and insert "twenty-one (21)".

Page 2, line 25, delete "(19)".

Page 2, line 27, delete "individual." and insert "individual and each physician documents on the patient's medical chart the reason the physician determined that the surgery is necessary to save the life of the individual."

Page 2, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 2. IC 16-18-2-240.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 240.5. "Morbid obesity", for purposes of IC 16-40-3, has the meaning set forth in IC 16-40-3-1.**

SECTION 3. IC 16-40-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 3. Reporting of Deaths or Complications From Morbid Obesity Surgeries

Sec. 1. As used in this chapter, "morbid obesity" means:

(1) a body mass index of at least thirty-five (35) kilograms per meter squared, with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes; or

(2) a body mass index of at least forty (40) kilograms per meter squared without comorbidity.

For purposes of this section, body mass index is equal to weight in kilograms divided by height in meters squared.

Sec. 2. (a) A physician who is licensed under IC 25-22.5 and who performs a surgical treatment for the treatment of morbid obesity shall:

(1) monitor the patient for five (5) years following the patient's surgery; and

(2) report:

(A) to; and

(B) in a manner prescribed by;

the state department any death or serious complication of a patient who receives surgical treatment for morbid obesity.

(b) The report required in subsection (a) must include the following information:

(1) The gender of the patient.

(2) The name of the physician who performed the surgery.

(3) The location in which the surgery was performed.

(4) Information concerning the death or complication and the circumstances behind the death or complication.

Sec. 3. (a) The state department shall collect and maintain the information reported to the state department under section

2 of this chapter.

(b) The records under subsection (a)(2) are public records and are subject to public inspection. However, the state department may not release any information in the records that the state department determines may identify the patient's identity.

Sec. 4. A physician who knowingly violates this chapter may be subject to disciplinary sanctions under IC 25-1-9 as if the physician had knowingly violated a rule adopted by the medical licensing board under IC 25-22.5-2-7.

Sec. 5. The state department shall adopt rules under IC 4-22-2 necessary to implement this chapter.

Sec. 6. This chapter expires June 30, 2010."

Page 3, line 11, delete "nineteen (19) and insert "twenty-one (21)".

Page 3, line 14, delete "individual." and insert "individual and each physician documents on the patient's medical chart the reason that the physician determined that the surgery is necessary to save the life of the individual."

Page 4, line 3, delete "nineteen (19)" and insert "twenty-one (21)".

Page 4, line 5, delete "individual." and insert "individual and each physician documents on the patient's medical chart the reason that the physician determined that the surgery is necessary to save the life of the individual."

Renumber all SECTIONS consecutively.

(Reference is to SB 360 as printed February 4, 2005.)

MILLER

Motion prevailed.

SENATE MOTION
(Amendment 360-3)

Madam President: I move that Engrossed Senate Bill 360 be amended to read as follows:

Page 2, line 26, after "to" insert ":

(1)".

Page 2, line 27, delete "individual." and insert "covered individual; or

(2) restore the covered individual's ability to maintain a major life activity (as defined in IC 4-23-29-6)."

Page 3, line 13, after "to" insert ":

(1)".

Page 3, line 14, delete "individual." and insert "insured; or

(2) restore the insured's ability to maintain a major life activity (as defined in IC 4-23-29-6)."

Page 4, line 4, after "to" insert ":

(1)".

Page 4, line 5, delete "individual." and insert "enrollee; or

(2) restore the enrollee's ability to maintain a major life activity (as defined in IC 4-23-29-6)."

(Reference is to SB 360 as printed February 4, 2005.)

SIMPSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 376

Senator Lawson called up Senate Bill 376 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 376-1)

Madam President: I move that Senate Bill 376 be amended to read as follows:

Page 3, line 40, delete "child regardless of the child care" and insert "**child**".

Page 3, delete line 41.

(Reference is to SB 376 as printed February 18, 2005.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 405

Senator Miller called up Senate Bill 405 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 405-3)

Madam President: I move that Senate Bill 405 be amended to read as follows:

Page 1, line 12, delete "13" and insert "**6.5**".

(Reference is to SB 405 as printed February 9, 2005.)

MILLER

Motion prevailed.

SENATE MOTION
(Amendment 405-4)

Madam President: I move that Senate Bill 405 be amended to read as follows:

Page 1, delete lines 1 through 18.

Delete page 2.

Page 3, delete lines 1 through 8.

Renumber all SECTIONS consecutively.

(Reference is to SB 405 as printed February 9, 2005.)

MILLER

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 204: yeas 38, nays 10. Motion prevailed. The bill was ordered engrossed.

Senate Bill 423

Senator Clark called up Senate Bill 423 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 423-4)

Madam President: I move that Senate Bill 423 be amended to read as follows:

Page 1, line 5, delete "Notwithstanding any other provision of Indiana law, a" and insert "**A**".

Page 1, line 7, delete "required" and insert "**expected**".

Page 1, line 8, delete "condition for receiving an annual retirement allowance under" and insert "**public officer or public employee**".

Page 1, delete lines 9 through 17, begin new paragraph and insert:

"(c) If a participant is convicted of:

(1) a felony involving an act of fraud, deceit, or abuse of the public trust that has resulted in a financial loss to the state or in an unlawful benefit to an individual in the conduct of state business;

(2) bribery (IC 35-44-1-1);

(3) official misconduct (as defined in IC 35-44-1-2(1), IC 35-44-1-2(2), IC 35-44-1-2(3), or IC 35-44-1-2(4));

(4) conflict of interest (IC 35-44-1-3);

(5) computer tampering (IC 35-43-1-4);

(6) identity deception (IC 35-43-5-3.5);

(7) ghost employment (IC 35-44-2-4);

(8) an attempt or conspiracy to commit an offense listed in subdivisions (1) through (7); or

(9) a crime in any other jurisdiction in which the elements of the crime are substantially similar to the elements of an offense listed in subdivisions (1) through (8);

committed within the scope of the participant's public employment, the PERF board shall take the actions described in subsection (d)."

Page 2, delete lines 1 through 3.

Page 2, line 4, delete "the charges or a".

Page 2, line 5, delete "certified report" and insert "**evidence of a conviction**".

Page 2, line 8, delete ":".

Page 2, delete lines 9 through 10.

Page 2, line 11, delete "(2)".

Page 2, line 12, delete "appropriate;" and insert "**appropriate**".

Page 2, run in lines 8 through 13.

Page 2, line 14, delete "criminal prosecution is".

Page 2, line 15, delete "completed." and insert "**entry of judgment of conviction**".

Page 2, delete line 33.

Page 2, line 34, delete "(3)" and insert "**(2)**".

Page 2, line 35, delete "(4)" and insert "**(3)**".

Page 2, line 36, delete "(5)" and insert "**(4)**".

Page 2, line 40, delete "(6)" and insert "**(5)**".

Page 3, line 4, delete "(7)" and insert "**(6)**".

Page 3, between lines 5 and 6, begin a new line block indented and insert:

"(7) The participant's role in the misconduct."

Page 3, line 8, delete "misconduct." and insert "**misconduct, and the extent of the participant's cooperation, if any, in the investigation of the misconduct**".

Page 3, line 10, delete "criminal prosecution." and insert "**the extent to which restitution has been made or ordered**".

Page 3, between lines 20 and 21, begin a new paragraph and insert:

"(i) If the PERF board determines under subsection (h) that the amount of the forfeiture of the participant's annual retirement allowance that is appropriate exceeds the sum of:

(1) the amounts misappropriated, diverted, missing, or unlawfully gained as the result of the participant's misconduct; and

(2) the reasonable costs to the state and the PERF board of the investigation and detection of the participant's misconduct;

the PERF board, as a part of the PERF board's determination under subsection (h), shall make a finding outlining in detail the reasons that the forfeiture is not disproportionate to the participant's misconduct."

Page 3, line 21, delete "(i)" and insert "(j)".

Page 3, line 27, delete "(j)" and insert "(k)".

Page 3, line 29, delete "calculate the participant's" and insert **"determine the percentage that will be applied, when the participant begins receiving an annual retirement allowance, to reduce the participant's annual retirement allowance calculated under section 10 or 12 of this chapter."**

Page 3, delete lines 30 through 41, begin a new paragraph and insert:

"(l) In determining the amount of a forfeiture under this section, the PERF board must reduce the amount of the proposed forfeiture by the amount of any restitution made by the participant."

Page 3, line 42, delete "(l)" and insert "(m)".

Page 4, line 18, delete "or increasing".

Page 4, between lines 20 and 21, begin a new paragraph and insert:

"(n) If a participant's conviction is reversed, vacated, or set aside after the PERF board makes its final determination under this section that forfeiture of all or a portion of the participant's annual retirement allowance is appropriate, the PERF board's determination is automatically stayed, and the participant is entitled to a new hearing under this section."

Page 4, line 21, delete "(m)" and insert "(o)".

Page 4, line 21, delete "undertakes the prosecution of or".

Page 4, line 25, delete ":" and insert **"notify the PERF board in writing of the conviction."**

Page 4, delete lines 26 through 40.

Page 4, line 41, delete "(o)" and insert "(p)".

Page 5, line 3, delete "(p)" and insert "(q)".

Page 5, line 9, delete "(q)" and insert "(r)".

Page 5, line 13, delete "(a) This section does not apply to a member of the".

Page 5, delete lines 14 through 16.

Page 5, line 17, delete "(b)" and insert "(a)".

Page 5, run in lines 13 through 17.

Page 5, delete line 19, begin a new paragraph and insert:

"(b) A"

Page 5, line 20, delete "required" and insert **"expected"**.

Page 5, line 20, after "a" insert **"public officer or public employee."**

Page 5, delete lines 21 through 32, begin a new paragraph and insert:

"(c) If a member is convicted of:

(1) a felony involving an act of fraud, deceit, or abuse of the public trust that has resulted in a financial loss to the state or in an unlawful benefit to an individual in the conduct of state business;

(2) bribery (IC 35-44-1-1);

(3) official misconduct (as defined in IC 35-44-1-2(1), IC 35-44-1-2(2), IC 35-44-1-2(3), or IC 35-44-1-2(4));

(4) conflict of interest (IC 35-44-1-3);

(5) computer tampering (IC 35-43-1-4);

(6) identity deception (IC 35-43-5-3.5);

(7) ghost employment (IC 35-44-2-4);

(8) an attempt or conspiracy to commit an offense listed in subdivisions (1) through (7); or

(9) a crime in any other jurisdiction in which the elements of the crime are substantially similar to the elements of an offense listed in subdivisions (1) through (8);

committed within the scope of the member's public employment, the board shall take the actions described in subsection (d)."

Page 5, line 33, delete "(e)" and insert "(d)".

Page 5, line 33, delete "the charges or a certified".

Page 5, line 34, delete "report" and insert **"evidence of a conviction"**.

Page 5, line 34, delete "(d)," and insert "(c),".

Page 5, line 37, delete ":".

Page 5, delete lines 38 through 39.

Page 5, line 40, delete "(2)".

Page 5, line 41, delete "appropriate;" and insert **"appropriate,"**.

Page 5, run in lines 37 through 42.

Page 6, line 1, delete "criminal prosecution is completed." and insert **"entry of judgment of conviction."**

Page 6, line 4, delete "(f)" and insert "(e)".

Page 6, line 4, delete "(e)" and insert "(d)".

Page 6, line 8, delete "(g)" and insert "(f)".

Page 6, line 8, delete "(e)" and insert "(d)".

Page 6, line 16, delete "(h)" and insert "(g)".

Page 6, line 18, delete "(e):" and insert "(d):".

Page 6, delete line 20.

Page 6, line 21, delete "(3)" and insert "(2)".

Page 6, line 22, delete "(4)" and insert "(3)".

Page 6, line 23, delete "(5)" and insert "(4)".

Page 6, line 26, delete "(6)" and insert "(5)".

Page 6, line 32, delete "(7)" and insert "(6)".

Page 6, between lines 33 and 34, begin a new line block indented and insert:

"(7) The member's role in the misconduct."

Page 6, line 36, delete "misconduct." and insert **"misconduct, and the extent of the member's cooperation, if any, in the investigation of the misconduct."**

Page 6, line 38, delete "criminal prosecution." and insert **"the extent to which restitution has been made or ordered."**

Page 6, line 41, delete "(i)" and insert **"(h)"**.

Page 6, line 41, delete "(e)" and insert **"(d)"**.

Page 7, line 5, delete "(e)" and insert **"(d)"**.

Page 7, between lines 5 and 6, begin a new paragraph and insert:

"(i) If the board determines under subsection (h) that the amount of the forfeiture of the member's retirement benefit that is appropriate exceeds the sum of:

(1) the amounts misappropriated, diverted, missing, or unlawfully gained as the result of the member's misconduct; and

(2) the reasonable costs to the state and the board of the investigation and detection of the member's misconduct; the board, as a part of the board's determination under subsection (h), shall make a finding outlining in detail the reasons that the forfeiture is not disproportionate to the member's misconduct."

Page 7, line 6, delete "(e)" and insert **"(d)"**.

Page 7, line 12, delete "(e)" and insert **"(d)"**.

Page 7, line 14, delete "calculate the member's retirement benefit as if the" and insert **"determine the percentage that will be applied, when the member begins receiving a retirement benefit, to reduce the member's retirement benefit calculated under section 1 of this chapter."**

Page 7, delete lines 15 through 24, begin a new paragraph and insert:

"(l) In determining the amount of a forfeiture under this section, the board must reduce the amount of the proposed forfeiture by the amount of any restitution made by the member."

Page 7, line 42, delete "or increasing".

Page 8, between lines 2 and 3, begin a new paragraph and insert:

"(n) If a member's conviction is reversed, vacated, or set aside after the board makes its final determination under this section that forfeiture of all or a portion of the member's retirement benefit is appropriate, the board's determination is automatically stayed, and the member is entitled to a new hearing under this section."

Page 8, line 3, delete "(n)" and insert **"(o)"**.

Page 8, line 3, delete "undertakes the prosecution of or".

Page 8, line 6, delete ":" and insert **"notify the board in writing of the conviction."**

Page 8, delete lines 7 through 19.

Page 8, line 21, delete "(e)" and insert **"(d)"**.

Page 8, line 23, delete "(e)" and insert **"(d)"**.

Page 9, line 20, delete ":".

Page 9, delete lines 21 through 23.

Page 9, line 24, delete "(B)".

Page 9, line 26, delete "appropriate;" and insert **"appropriate,"**.

Page 9, run in lines 20 through 27.

Page 13, line 36, delete "Notwithstanding any".

Page 13, line 37, delete "other provision of Indiana law, an" and insert **"An"**.

Page 13, line 37, delete "required" and insert **"expected"**.

Page 13, line 38, delete "condition for receiving a monthly" and insert **"public officer or public employee."**

Page 13, delete lines 39 through 42, begin a new paragraph and insert:

"(b) If an employee beneficiary is convicted of:

(1) a felony involving an act of fraud, deceit, or abuse of the public trust that has resulted in a financial loss to the state or in an unlawful benefit to an individual in the conduct of state business;

(2) bribery (IC 35-44-1-1);

(3) official misconduct (as defined in IC 35-44-1-2(1), IC 35-44-1-2(2), IC 35-44-1-2(3), or IC 35-44-1-2(4));

(4) conflict of interest (IC 35-44-1-3);

(5) computer tampering (IC 35-43-1-4);

(6) identity deception (IC 35-43-5-3.5);

(7) ghost employment (IC 35-44-2-4);

(8) an attempt or conspiracy to commit an offense listed in subdivisions (1) through (7); or

(9) a crime in any other jurisdiction in which the elements of the crime are substantially similar to the elements of an offense listed in subdivisions (1) through (8);

committed within the scope of the employee beneficiary's public employment, the pension advisory board shall take the actions described in subsection (c)."

Page 14, delete lines 1 through 8.

Page 14, line 9, delete "department" and insert **"pension advisory board"**.

Page 14, line 9, delete "the charges or a certified".

Page 14, line 10, delete "report" and insert **"evidence of a conviction"**.

Page 14, line 10, delete "department" and insert **"pension advisory board"**.

Page 14, line 11, delete "department" and insert **"pension advisory board"**.

Page 14, line 12, delete ":".

Page 14, delete lines 13 through 15.

Page 14, line 16, delete "(2)".

Page 14, line 17, delete "appropriate;" and insert **"appropriate,"**.

Page 14, run in lines 12 through 18.

Page 14, line 18, delete "department" and insert **"pension advisory board"**.

Page 14, line 19, delete "criminal prosecution is".

Page 14, line 20, delete "completed." and insert **"entry of judgment of conviction."**

Page 14, line 20, delete "department" and insert **"pension advisory board"**.

Page 14, line 24, delete "department's" and insert **"pension advisory board's"**.

Page 14, line 35, delete "department" and insert **"pension advisory board"**.

Page 14, delete line 39.

Page 14, line 40, delete "(3)" and insert **"(2)"**.

Page 14, line 42, delete "(4)" and insert **"(3)"**.

Page 15, line 1, delete "(5)" and insert **"(4)"**.

Page 15, line 5, delete "(6)" and insert **"(5)"**.

Page 15, line 11, delete "(7)" and insert **"(6)"**.

Page 15, between lines 12 and 13, begin a new line block indented and insert:

"(7) The employee beneficiary's role in the misconduct."

Page 15, line 15, delete "misconduct." and insert **"misconduct, and the extent of the employee beneficiary's cooperation, if any, in the investigation of the misconduct."**

Page 15, line 17, delete "criminal prosecution." and insert **"the extent to which restitution has been made or ordered."**

Page 15, line 20, delete "department" and insert **"pension advisory board"**.

Page 15, line 21, delete "department" and insert **"pension advisory board"**.

Page 15, line 24, delete "department" and insert **"pension advisory board"**.

Page 15, line 25, delete "department's" and insert **"pension advisory board's"**.

Page 15, between lines 27 and 28, begin a new paragraph and insert:

"(h) If the pension advisory board determines under subsection (g) that the amount of the forfeiture of the employee beneficiary's monthly pension amount that is appropriate exceeds the sum of:

(1) the amounts misappropriated, diverted, missing, or unlawfully gained as the result of the employee beneficiary's misconduct; and

(2) the reasonable costs to the state and the pension advisory board of the investigation and detection of the employee beneficiary's misconduct;

the pension advisory board, as a part of the pension advisory board's determination under subsection (g), shall make a finding outlining in detail the reasons that the forfeiture is not disproportionate to the employee beneficiary's misconduct."

Page 15, line 28, delete "(h)" and insert **"(i)"**.

Page 15, line 28, delete "department" and insert **"pension advisory board"**.

Page 15, line 30, delete "department" and insert **"pension advisory board"**.

Page 15, line 34, delete "(i)" and insert **"(j)"**.

Page 15, line 34, delete "department" and insert **"pension advisory board"**.

Page 15, line 36, delete "department" and insert **"pension advisory board"**.

Page 15, line 36, delete "direct the trustee to" and insert **"determine the percentage that will be applied, when the employee beneficiary begins receiving a monthly pension amount, to reduce the employee beneficiary's monthly pension amount calculated under IC 10-12-3-7 or IC 10-12-4-7."**

Page 15, delete lines 37 through 42.

Page 16, delete lines 1 through 6, begin a new paragraph and insert:

"(k) In determining the amount of a forfeiture under this section, the pension advisory board must reduce the amount of the proposed forfeiture by the amount of any restitution made

by the employee beneficiary."

Page 16, line 7, delete "(k)" and insert **"(l)"**.

Page 16, line 7, delete "department" and insert **"pension advisory board"**.

Page 16, line 10, delete "department" and insert **"pension advisory board"**.

Page 16, line 11, delete "department" and insert **"pension advisory board"**.

Page 16, line 12, delete "department" and insert **"pension advisory board"**.

Page 16, line 15, delete "department receives" and insert **"pension advisory board receives"**.

Page 16, line 15, after "request, the" delete "department" and insert **"pension advisory board"**.

Page 16, line 21, delete "department" and insert **"pension advisory board"**.

Page 16, line 23, delete "department" and insert **"pension advisory board"**.

Page 16, line 25, delete "or increasing".

Page 16, between lines 27 and 28, begin a new paragraph and insert:

"(m) If an employee beneficiary's conviction is reversed, vacated, or set aside after the pension advisory board makes its final determination under this section that forfeiture of all or a portion of the employee beneficiary's monthly pension amount is appropriate, the pension advisory board's determination is automatically stayed, and the employee beneficiary is entitled to a new hearing under this section."

Page 16, line 28, delete "(l)" and insert **"(n)"**.

Page 16, line 28, delete "undertakes the prosecution of or".

Page 16, line 31, delete ":" and insert **"notify the pension advisory board in writing of the conviction."**

Page 16, delete lines 32 through 42.

Page 17, delete lines 1 through 3.

Page 17, line 4, delete "(n)" and insert **"(o)"**.

Page 17, line 8, delete "(o)" and insert **"(p)"**.

Page 17, line 8, delete "department's" and insert **"pension advisory board's"**.

Page 17, line 11, delete "department's" and insert **"pension advisory board's"**.

Page 17, line 14, delete "(p)" and insert **"(q)"**.

Page 17, line 14, delete "department's" and insert **"pension advisory board's"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 423 as printed February 11, 2005.)

CLARK

Motion prevailed. The bill was ordered engrossed.

Senate Bill 447

Senator Lutz called up Senate Bill 447 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 513

Senator Weatherwax called up Senate Bill 513 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 513-2)

Madam President: I move that Senate Bill 513 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

SECTION 1. IC 8-23-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The department, through the commissioner or the commissioner's designee, shall:

(1) develop, continuously update, and implement:

- (A) long range comprehensive transportation plans;
- (B) work programs; and
- (C) budgets;

to assure the orderly development and maintenance of an efficient statewide system of transportation;

(2) implement the policies, plans, and work programs adopted by the department;

(3) organize by creating, merging, or abolishing divisions;

(4) evaluate and utilize whenever possible improved transportation facility maintenance and construction techniques;

(5) carry out public transportation responsibilities, including:

- (A) developing and recommending public transportation policies, plans, and work programs;
- (B) providing technical assistance and guidance in the area of public transportation to political subdivisions with public transportation responsibilities;
- (C) developing work programs for the utilization of federal mass transportation funds;
- (D) furnishing data from surveys, plans, specifications, and estimates required to qualify a state agency or political subdivision for federal mass transportation funds;
- (E) conducting or participating in any public hearings to qualify urbanized areas for an allocation of federal mass transportation funding;
- (F) serving, upon designation of the governor, as the state agency to receive and disburse any state or federal mass transportation funds that are not directly allocated to an urbanized area;
- (G) entering into agreements with other states, regional agencies created in other states, and municipalities in other states for the purpose of improving public transportation service to the citizens; and
- (H) developing and including in its own proposed transportation plan a specialized transportation services plan for the elderly and persons with disabilities;

(6) provide technical assistance to units of local government with road and street responsibilities;

(7) develop, undertake, and administer the program of research and extension required under IC 8-17-7; and

(8) allow public testimony in accordance with section 17 of this chapter whenever the department holds a public hearing (as defined in section 17 of this chapter).

(9) adopt rules under IC 4-22-2 to reasonably and cost effectively manage the right-of-way of the state highway system by establishing a formal procedure for highway improvement projects that involve the relocation of utility facilities by providing for an exchange of information among the department, utilities, and the department's highway construction contractors.

(b) Rules adopted under subsection (a)(9) shall not unreasonably affect the cost, or impair the safety or reliability, of a utility service.

(c) A civil action may be prosecuted by or against the department, a department highway construction contractor or a utility to recover costs and expenses directly resulting from willful violation of the rules. Nothing in this section or in subsection (a)(9) shall be construed as granting authority to the department to adopt rules establishing fines, assessments or other penalties for or against utilities or the department's highway construction contractors.

SECTION 2. IC 8-23-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The department may acquire real property for any purpose necessary to carry out this article, including the following:

(1) To locate, relocate, construct, reconstruct, repair, or maintain a state highway, **including area for:**

(A) the placement of a utility facility within the right-of-way of the state highway system; or

(B) the relocation of a utility facility within the right-of-way of the state highway system due to interference with a highway improvement project.

(2) To widen or straighten a highway.

(3) To clear and remove obstructions to vision at crossings and curves.

(4) To construct weigh stations and rest areas.

(5) To provide scenic easements and other areas necessary to cooperate with the federal government or carry out a federal law.

(6) To facilitate long-range transportation planning."

Page 1, delete line 10 and insert "**reasonable compensation or reasonable expenses directly related to unforeseen conditions encountered**".

Page 2, line 7, delete "compensation for" and insert "**reasonable compensation or reasonable expenses directly related to unforeseen conditions encountered during a**".

Page 2, delete line 8.

Page 2, line 16, delete "2006." and insert "**2007**".

Renumber all SECTIONS consecutively.

(Reference is to SB 513 as printed February 18, 2005.)

WEATHERWAX

Motion prevailed. The bill was ordered engrossed.

Senate Bill 575

Senator Merritt called up Senate Bill 575 for second reading. The

bill was read a second time by title.

SENATE MOTION
(Amendment 575-2)

Madam President: I move that Senate Bill 575 be amended to read as follows:

Page 1, delete lines 6 through 9.

Page 1, line 12, delete "means:" and insert "means".

Page 1, delete line 13.

Page 1, line 14, delete "(2)".

Page 1, run in lines 12 through 14.

Page 1, line 14, delete "workmanship;" and insert "workmanship".

Page 1, line 14, reset in roman "before".

Page 1, line 15, after "1816." insert "**December 31, 1870, that is determined by the division to be significant.**".

Page 1, delete lines 16 through 17.

Delete page 2.

Page 3, delete lines 1 through 33.

Page 6, between lines 26 and 27, begin a new line block indented and insert:

"(2) The cost to the property owner to restore or repair the damaged area of an archeological site or burial ground and place the property in the property's original condition as nearly as practicable."

Page 6, line 27, delete "(2)" and insert "(3)".

Page 6, line 38, delete "value" and insert "cost".

Page 6, line 38, delete "the property" and insert "**carrying out a scientific archeological investigation of the area that was damaged to obtain the artifact, burial object, or human remains**".

Page 8, between lines 16 and 17, begin a new line block indented and insert:

"(3) Ways to provide professional archeologists with secure and timely access to information in the data base.

(4) Ways to submit new archeological site or burial ground information, survey information, and archeological reports to the data base.

(5) Ways to fund the construction, implementation, and maintenance of the data base with grants and other nonstate government sources of money."

Page 8, between lines 20 and 21, begin a new paragraph and insert:

"(i) A majority of the members of the task force constitutes a quorum. Official action by the task force must be approved by at least six (6) members."

Page 8, line 21, delete "(i)" and insert "(j)".

Page 8, between lines 23 and 24, begin a new paragraph and insert:

"(k) The task force shall complete its work before July 1, 2007."

Page 8, line 24, delete "(j)" and insert "(l)".

Renumber all SECTIONS consecutively.

(Reference is to SB 575 as printed February 22, 2005.)

MERRITT

Motion prevailed. The bill was ordered engrossed.

Senate Bill 609

Senator Hume called up Senate Bill 609 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 609-2)

Madam President: I move that Senate Bill 609 be amended to read as follows:

Replace the effective date in SECTION 3 with "[EFFECTIVE JULY 1, 2005]".

Replace the effective date in SECTION 10 with "[EFFECTIVE JULY 1, 2005]".

Replace the effective date in SECTION 16 with "[EFFECTIVE JULY 1, 2005]".

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 33.

Page 2, line 39, delete "operating budget of" and insert "**allocation amount for**".

Page 2, line 40, delete "under STEP FIVE of" and insert "**using**".

Page 2, line 42, delete "annual budget of" and insert "**sum of the total property taxes being collected by**".

Page 3, line 1, after "corporation" insert "**during the calendar year of the distribution**".

Page 3, line 3, after "appropriated" insert "**from property taxes**".

Page 3, line 7, after "appropriated" insert "**from property taxes**".

Page 3, line 10, delete "is:" and insert "**are:**".

Page 3, line 14, after "appropriated" insert "**from property taxes**".

Page 3, delete lines 17 through 18.

Page 3, delete lines 21 through 30, begin a new line block indented and insert:

"STEP FOUR: Determine the sum of:

(A) the STEP THREE amount; plus

(B) the civil taxing unit's or school corporation's certified distribution for the previous calendar year."

Page 3, line 31, after "appropriation" insert "**from property taxes**".

Page 3, line 33, delete "operating budget of" and insert "**allocation amount for**".

Page 3, line 36, after "appropriated" insert "**from property taxes**".

Page 3, line 38, after "appropriation" insert "**from property taxes**".

Page 3, line 39, delete "to the extent that" and insert "**if**".

Page 4, line 2, after "refinanced." insert "**The amount of the deduction is the annual amount for each year of the extension period or the annual amount of the increase over the amount**

that would have been paid."

Page 4, line 3, after "appropriation" insert "**from property taxes**".

Page 4, line 4, delete "operating".

Page 4, line 5, delete "budget of" and insert "**allocation amount for**".

Page 4, line 7, after "appropriated" insert "**from property taxes**".

Page 4, line 9, after "appropriation" insert "**from property taxes**".

Page 4, line 10, delete "to the extent that" and insert "if".

Page 4, line 15, after "refinanced." insert "**The amount of the deduction is the annual amount for each year of the extension period or the annual amount of the increase over the amount that would have been paid.**".

Page 6, line 39, delete "12" and insert "12,".

Page 6, line 40, reset in roman "13,".

Page 7, line 7, reset in roman "Except as provided in section 13 of this chapter,".

Page 7, line 22, delete "operating budget of" and insert "**allocation amount for**".

Page 7, line 31, delete "operating budgets" and insert "**allocation amounts**".

Page 7, line 38, reset in roman "(after".

Page 7, line 39, reset in roman "adjustment made under section 13 of this chapter)".

Page 8, line 1, reset in roman "(a) In".

Page 8, reset in roman lines 2 through 6.

Page 8, line 7, reset in roman "(b)".

Page 8, line 7, delete "(a)".

Page 8, line 13, reset in roman "(c)".

Page 8, line 13, delete "(b)".

Page 8, line 18, delete "(c)" and insert "(d)".

Page 8, line 18, delete "(d)," and insert "(e)".

Page 8, line 26, strike"(d)" and insert "(e)".

Page 8, line 39, delete "operating budget"" and insert "**allocation amount**".

Page 9, line 1, delete "operating budget" and insert "**allocation amount**".

Page 9, line 2, delete "and" and insert "**plus**".

Page 9, line 3, reset in roman "current ad valorem property tax levy".

Page 9, line 3, delete "operating budget".

Page 9, line 6, delete "unit." and insert "unit;".

Page 9, line 6, reset in roman "plus".

Page 9, line 14, after "(4)" insert "(3)".

Page 9, line 14, reset in roman "in the case of a county, an amount equal to the property taxes".

Page 9, reset in roman lines 15 through 16.

Page 9, line 25, delete "operating budget" and insert "**allocation amount**".

Page 9, line 27, delete "operating budgets" and insert "**allocation amounts**".

Page 9, line 32, reset in roman "The local government tax control

board established by".

Page 9, reset in roman lines 33 through 36.

Page 9, line 37, reset in roman "under subsection".

Page 9, line 37, after "(b)(2)," insert "**(a)(2),**".

Page 9, line 37, reset in roman "then the special taxing district, authority,".

Page 9, line 38, reset in roman "board, or other entity shall not be treated as having an attributed".

Page 9, line 38, after "levy" insert "**allocation amount**".

Page 9, reset in roman line 39.

Page 9, line 40, reset in roman "attributed".

Page 9, line 40, after "~~levy~~" insert "**allocation**".

Page 9, line 40, reset in roman "amounts to the appropriate county auditor.".

Page 9, line 40, delete "The county"

Page 9, delete line 41.

Page 9, line 42, delete "unit is to receive during a calendar year.".

Page 10, line 8, reset in roman "levy".

Page 10, line 8, delete "operating budget".

Page 10, line 9, delete "operating budget." and insert "**allocation amount**".

Page 10, delete lines 10 through 42.

Page 11, delete lines 1 through 18.

Page 11, line 23, delete "operating budget of" and insert "**allocation amount for**".

Page 11, line 24, delete "under STEP FIVE of" and insert "**using**".

Page 11, line 26, delete "annual budget of" and insert "**the total property taxes that are first due and payable to**".

Page 11, line 27, after "unit" insert "**during the calendar year of the distribution plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund**".

Page 11, line 29, after "appropriated" insert "**from property taxes**".

Page 11, line 33, after "appropriated" insert "**from property taxes**".

Page 11, line 36, delete "is:" and insert "**are:**".

Page 11, line 40, after "appropriated" insert "**from property taxes**".

Page 12, delete lines 1 through 2.

Page 12, delete lines 5 through 12 begin a new line block indented and insert:

"STEP FOUR: Determine the sum of:

(A) the STEP THREE amount; plus

(B) the civil taxing unit or school corporation's certified distribution for the previous calendar year."

Page 12, line 13, after "appropriation" insert "**from property taxes**".

Page 12, line 15, delete "operating budget of" and insert "**allocation amount for**".

Page 12, line 17, after "appropriated" insert "**from property taxes**".

Page 12, line 19, after "appropriation" insert "**from property**

taxes".

Page 12, line 20, delete "to the extent that" and insert "if".

Page 12, line 25, after "refinanced." insert "**The amount of the deduction is the annual amount for each year of the extension period or the annual amount of the increase over the amount that would have been paid.**".

Page 12, line 26, after "appropriation" insert "**from property taxes**".

Page 12, line 27, delete "operating".

Page 12, line 28, delete "budget of" and insert "**allocation amount for**".

Page 12, line 30, after "appropriated" insert "**from property taxes**".

Page 12, line 32, after "appropriation" insert "**from property taxes**".

Page 12, line 33, delete "to the extent that" and insert "if".

Page 12, line 38, after "refinanced." insert "**The amount of the deduction is the annual amount for each year of the extension period or the annual amount of the increase over the amount that would have been paid.**".

Page 14, line 34, delete "(i)" and insert "(i);".

Page 14, line 34, delete "(g);".

Page 15, line 4, reset in roman "(i)".

Page 15, line 4, delete "(g)".

Page 15, line 21, delete "operating budget of" and insert "**allocation amount for**".

Page 15 line 27, delete "operating budgets" and insert "**allocation amounts**".

Page 15, reset in roman lines 34 through 42.

Page 16, reset in roman lines 1 through 14.

Page 16, line 15, reset in roman "(i)".

Page 16, line 15, delete "(g)".

Page 16, delete lines 22 through 42.

Delete page 17.

Page 18, delete lines 1 through 40.

Page 20, delete lines 21 through 42.

Delete page 21.

Page 22, delete lines 1 through 16.

Renumber all SECTIONS consecutively.

(Reference is to SB 609 as printed February 9, 2005.)

WEATHERWAX

Motion prevailed. The bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator M. Young be removed as author of Senate Bill 358 and that Senator Waltz be substituted therefor.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as

second author of Senate Bill 358.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 525.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as coauthor of Engrossed Senate Bill 539.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 472.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be added as second author and Senator Antich-Carr be added as coauthor of Senate Bill 472.

LANANE

Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 127

Senator Riegsecker called up Engrossed Senate Bill 127 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 205: yeas 38, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Stutzman and Wolkins.

Engrossed Senate Bill 263

Senator Altig called up Engrossed Senate Bill 263 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 206: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and Klinker.

Engrossed Senate Bill 335

Senator Simpson called up Engrossed Senate Bill 335 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 207: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Espich and Crawford.

Engrossed Senate Bill 381

Senator Ford called up Engrossed Senate Bill 381 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 208: yeas 45, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Cherry, Borrer, Pierce, and Austin.

Engrossed Senate Bill 382

Senator Alting called up Engrossed Senate Bill 382 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 209: yeas 39, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House

sponsors: Representatives Duncan and Alderman.

Engrossed Senate Bill 411

Senator Server called up Engrossed Senate Bill 411 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 210: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Alderman.

Engrossed Senate Bill 496

Senator Simpson called up Engrossed Senate Bill 496 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 211: yeas 44, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Espich and Crawford.

Engrossed Senate Bill 508

Senator Clark called up Engrossed Senate Bill 508 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 212: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Torr.

6:30 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 6:52 p.m., with the President of the Senate in the Chair.

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 29

Senator Dillon called up Senate Concurrent Resolution 29 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Leonard and Ruppel.

Senate Joint Resolution 1

Senator M. Young called up Senate Joint Resolution 1 for second reading. The resolution was read a second time by title.

SENATE MOTION (Amendment 1–4)

Madam President: I move that Senate Joint Resolution 1 be amended to read as follows:

Page 3, line 2, after "not" insert ":".

Page 3, line 2, strike "hold an office in a political party or organization." and begin a new line block indented:

**"(1) hold an office in a political party or organization; or
(2) be an individual who is a lobbyist (as defined in IC 2-7-1-10)."**

Page 3, between lines 14 and 15, begin a new paragraph and insert: **"The affirmative vote of at least four (4) members is necessary for the Commission to take action."**

Page 6, line 26, delete "other than a campaign".

Page 6, delete line 27.

(Reference is to SJR 1 as printed February 25, 2005.)

M. YOUNG

Motion prevailed.

SENATE MOTION (Amendment 1–2)

Madam President: I move that Senate Joint Resolution 1 be amended to read as follows:

Delete the title and insert the following:

A JOINT RESOLUTION recommending that the commission on courts study changes to Indiana's merit based selection, appointment, and retention procedures for judges and justices of the court of appeals and supreme court.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2005] The Indiana General Assembly recommends that the legislative council require the commission on courts to study whether changes in Indiana's merit based selection, appointment, and retention procedures for justices of the supreme court and judges of the court of appeals should be undertaken. This issue should be considered by the commission on courts for the following reasons:

(1) The commission on courts consists of legislators, judges, and lay members with deep knowledge of and extensive practical experience with Indiana's court system.

(2) The technical expertise of the commission on courts is necessary to insure that any changes to Indiana's merit based selection, appointment, or retention procedures do not have unintended consequences.

(3) Because the members of the commission on courts are legislators, judges, and lay members, the commission on courts is ideally suited to ascertain whether Indiana's merit based selection, appointment, or retention procedures promote the selection of the most qualified individuals to serve on the court of appeals and supreme court, while making certain that the concerns and values of ordinary Hoosiers are represented.

(4) Thirty-one (31) states currently use procedures similar to Indiana's merit based selection, appointment, and retention procedure. Accordingly, any changes to this system should be undertaken only after considered study and careful weighing of the alternatives.

(5) The commission on courts has the expertise and resources to sift through the experiences that other states have had with merit based selection, appointment, and retention procedures similar to Indiana's system, as well as with the selection, appointment, and retention procedures used by other states.

(Reference is to SJR 1 as printed February 25, 2005.)

LANANE

The Chair ordered a division of the Senate. Yeas 16, nays 31. Motion failed.

SENATE MOTION (Amendment 1–6)

Madam President: I move that Senate Joint Resolution 1 be amended to read as follows:

Page 4, line 20, after "Senate" insert **"and the House"**.

Page 4, line 23, after "Senate" insert **"and the House"**.

Page 4, line 25, after "Senate" insert **"and the House"**.

Page 4, line 26, after "Senate" insert **"and the House"**.

Page 4, line 28, after "Senate" insert **"and the House"**.

Page 6, line 26, delete "other than a campaign" and insert ".".

Page 6, delete line 27.

Page 6, line 42, after "Senate" insert **"and the House"**.

(Reference is to SJR 1 as printed February 25, 2005.)

BRODEN

Motion failed. The resolution was ordered engrossed.

SENATE BILLS ON SECOND READING

Senate Bill 19

Senator M. Young called up Senate Bill 19 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 19–1)

Madam President: I move that Senate Bill 19 be amended to read

as follows:

Page 1, after line 7, begin a new paragraph and insert:

"(c) This section does not limit the authority of a unit to establish wage rates in contracts to which they are a party."

(Reference is to SB 19 as printed February 25, 2005.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Senate Bill 38

Senator Antich-Carr called up Senate Bill 38 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 38-1)

Madam President: I move that Senate Bill 38 be amended to read as follows:

Page 2, delete lines 10 through 13.

Page 2, line 14, delete "(2)" and insert **"(1)"**.

Page 2, line 18, delete "(3)" and insert **"(2)"**.

Page 2, line 24, after "5." insert **"(a)"**.

Page 2, line 24, after "provided in" insert **"subsection (b) and"**.

Page 2, line 27, after "service" insert **"fee,"**.

Page 2, line 27, delete "or".

Page 2, line 27, delete "fee." and insert **"fee, dormancy charge, or inactivity charge."**

Page 2, delete line 28, begin a new paragraph and insert:

"(b) A gift certificate may be subject to an initial fee at the time the gift certificate is issued."

Page 2, line 31, delete "The language "Expires: (insert date)."" and insert **"One (1) of the following"**.

Page 2, line 32, delete "10" and insert **"8"**.

Page 2, line 33, delete "certificate." and insert **"certificate:**

(A) The date or time period after which the gift certificate expires.

(B) The exact date on which the gift certificate was issued and the number of days following the date of issuance after which the gift certificate expires."

Page 2, line 36, delete "dormancy or".

Page 2, line 37, delete "inactivity charge" and insert **"fee"**.

Page 2, delete lines 38 through 42, begin a new line block indented and insert:

"(1) The fee does not begin to accrue until at least six (6) months after the date on which the gift certificate was issued.

(2) A statement printed on the gift certificate or on a sticker permanently affixed to the gift certificate in at least 8 point type states:

(A) the type of fee and the dollar amount of the fee; and

(B) one (1) of the following:

(i) The date or time period after which the fee begins to accrue.

(ii) The exact date on which the gift certificate was issued and the number of days following the date of issuance after which the fee begins to accrue."

Page 3, delete lines 1 through 12.

Page 3, line 13, delete "9." and insert **"8."**

(Reference is to SB 38 as printed February 25, 2005.)

LANANE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 56

Senator Wyss called up Senate Bill 56 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 63

Senator Landske called up Senate Bill 63 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 64

Senator Merritt called up Senate Bill 64 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 66

Senator Dillon called up Senate Bill 66 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 66-2)

Madam President: I move that Senate Bill 66 be amended to read as follows:

Page 3, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 3. IC 12-16-4.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A hospital must file the application with the division not more than ~~thirty (30)~~ forty-five (45) days after the person has been admitted to, or otherwise provided care by, released or discharged from the hospital, unless the person is medically unable and the next of kin or legal representative is unavailable.

SECTION 4. IC 12-16-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall pay the following under IC 12-16-9.5 and subject to the limitations in section 5 of this chapter:

(1) The reasonable cost of ~~medical~~ physician care covered under IC 12-16-3.5-1 or IC 12-16-3.5-2.

(2) The reasonable cost of transportation to the place of treatment arising out of the medical care where health care services covered under IC 12-16-3.5-1 or IC 12-16-3.5-2 are provided.

SECTION 5. IC 12-16-7.5-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003 (RETROACTIVE)]: Sec.

2.5. (a) This section applies to payable claims involving:

(1) hospital services or items;

(2) physician care; or

**(3) transportation services;
provided before July 1, 2004.**

(b) Payable claims shall be segregated by state fiscal year.

~~(b)(c)~~(c) For purposes of this chapter, IC 12-15-15-9, IC 12-15-15-9.5, and IC 12-16-14:

(1) a "payable claim" is a claim for payment for physician care, hospital care, or transportation services under this chapter:

(A) that includes, on forms prescribed by the division, all the information required for timely payment;

(B) that is for a period during which the person is determined to be financially and medically eligible for the hospital care for the indigent program; and

(C) for which the payment amounts for the care and services are determined by the division; and

(2) a physician, hospital, or transportation provider that submits a payable claim to the division is considered to have submitted the payable claim during the state fiscal year during which the division determined, initially or upon appeal, the amount to pay for the care and services comprising the payable claim.

~~(c)(d)~~(d) The division shall promptly determine the amount to pay for the care and services comprising a payable claim."

Renumber all SECTIONS consecutively.

(Reference is to SB 66 as reprinted February 25, 2005.)

DILLON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 73

Senator Steele called up Senate Bill 73 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 96

Senator Long called up Senate Bill 96 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 123

Senator Paul called up Senate Bill 123 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 123-1)

Madam President: I move that Senate Bill 123 be amended to read as follows:

Page 1, line 9, delete "confined" and insert "**concentrated**".

Page 1, line 13, delete "confined" and insert "**concentrated**".

Page 1, line 16, after "concerning" delete "confined" and insert "**concentrated**".

Page 1, line 18, delete "confined" and insert "**concentrated**".

Page 2, line 3, delete "confined" and insert "**concentrated**".

Page 2, line 6, before "animal" delete "confined" and insert "**concentrated**".

Page 2, line 9, delete "confined" and insert "**concentrated**".
(Reference is to SB 123 as printed February 23, 2005.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 124

Senator Paul called up Senate Bill 124 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 132

Senator Zakas called up Senate Bill 132 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 142

Senator Simpson called up Senate Bill 142 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 142-1)

Madam President: I move that Senate Bill 142 be amended to read as follows:

Page 3, between lines 29 and 30, begin a new paragraph and insert:

"Sec. 13. (a) This section does not apply to the manufacturer of a device.

(b) A person who installs a device is immune from civil liability for injury or damage resulting under IC 34-20 or any other law for claims that the installed device is defective.

(c) This section does not provide immunity against a claim that a person improperly installed a device."

Page 3, line 30, delete "13." and insert "**14.**".

Page 3, line 32, delete "14." and insert "**15.**".

Page 3, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 2. IC 34-30-2-87.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 87.5. IC 22-11-21-13 (Concerning installation of a carbon monoxide detection device under IC 22-11-21)."

Renumber all SECTIONS consecutively.

(Reference is to SB 142 as printed February 25, 2005.)

SIMPSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 171

Senator Lawson called up Senate Bill 171 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 171-2)

Madam President: I move that Senate Bill 171 be amended to read as follows:

Page 3, line 36, after "full the" insert "**amount of**".

Page 3, line 36, after "owed" insert "**as determined under subsection (d)**".

Page 4, line 7, delete "treasurer must" and insert "**assessor must**".

(Reference is to SB 171 as printed February 25, 2005.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 200

Senator Lubbers called up Senate Bill 200 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 200-3)

Madam President: I move that Senate Bill 200 be amended to read as follows:

Page 5, line 21, delete "section 5" and insert "**sections 5 and 6**".

Page 5, line 29, delete "adopt a policy that" and insert "**establish**".

Page 5, line 30, delete "sets forth".

Page 6, line 16, after "of" insert "**college level**".

Page 6, line 16, after "courses" insert "**with at least a "C" average or the equivalent in each course**".

Page 6, delete line 17, begin a new paragraph and insert:

"Sec. 6. The requirement set forth in section 2(b) of this chapter that a student must complete the Core 40 curriculum or a curriculum equivalent to the Core 40 curriculum for regular admission does not apply to a student who will be at least twenty-one (21) years of age during the semester for which the student seeks admission."

Page 7, line 36, after "of" insert "**college level**".

Page 7, line 36, delete "identified under" and insert "**with at least a "C" average or the equivalent in each course**".

Page 7, delete line 37.

Page 9, line 31, after "of" insert "**college level**".

Page 9, line 31, delete "identified under IC 20-12-17.1." and insert "**with at least a "C" average or the equivalent in each course**".

(Reference is to SB 200 as printed February 25, 2005.)

LUBBERS

Motion prevailed.

SENATE MOTION
(Amendment 200-4)

Madam President: I move that Senate Bill 200 be amended to read as follows:

Page 6, line 5, after "minimum" insert "**regular**".

Page 6, line 5, after "requirements" insert "**and exceptions to the**

regular admissions requirements".

Page 6, line 24, delete "and (f)," and insert "**(f), and (g)**".

Page 7, after line 42, begin a new paragraph and insert:

"(g) The requirement set forth in subsection (a)(2)(A) that an applicant must complete the Core 40 curriculum or a curriculum equivalent to the Core 40 curriculum does not apply to an applicant who has been accepted at an approved institution of higher learning as an exception to the institution's regular admissions requirements."

Page 8, line 42, delete "and (d)," and insert "**(d), and (e)**".

Page 9, between lines 37 and 38, begin a new paragraph and insert:

"(e) The requirement set forth in subsection (a)(3) that a scholarship applicant must complete the Core 40 curriculum or a curriculum equivalent to the Core 40 curriculum does not apply to a scholarship applicant who has been accepted at an institution of higher learning as an exception to the institution's regular admissions requirements."

(Reference is to SB 200 as printed February 25, 2005.)

LUBBERS

Motion prevailed.

SENATE MOTION
(Amendment 200-1)

Madam President: I move that Senate Bill 200 be amended to read as follows:

Page 3, line 3, delete "minimum" and insert "general".

Page 4, line 10, delete "minimum" and insert "general".

Page 4, line 20, delete "minimum" and insert "general".

Page 4, line 31, delete "minimum" and insert "general".

Page 5, line 4, delete "minimum" and insert "general".

Page 5, line 27, delete "minimum" and insert "general".

Page 6, line 5, delete "minimum" and insert "general".

(Reference is to SB 200 as printed February 25, 2005.)

ROGERS

Motion prevailed. The bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical corrections are to be made to Engrossed Senate Bill 200.

Page 3, line 4, delete "minimum" and insert "**general**".

(Reference is to SB 200 as printed February 25, 2005.)

GARTON

Report adopted.

SENATE BILLS ON SECOND READING

Senate Bill 201

Senator Wyss called up Senate Bill 201 for second reading. The

bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 227

Senator Miller called up Senate Bill 227 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 253

Senator Ford called up Senate Bill 253 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 268

Senator Miller called up Senate Bill 268 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 268-4)

Madam President: I move that Senate Bill 268 be amended to read as follows:

Page 2, line 9, after "under" insert "**applicable**".

Page 2, line 9, delete "law in effect on January 1, 2005." and insert "**law**".

Page 2, line 14, delete "stillborn:" and insert "**stillborn from any of the following sources:**".

Page 2, between lines 17 and 18, begin a new line block indented and insert:

"(4) **Fetal tissue**".

Page 2, line 19, after "under" insert "**applicable**".

Page 2, line 20, delete "law in effect on January 1, 2005." and insert "**law**".

(Reference is to SB 268 as printed February 25, 2005.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 269

Senator Miller called up Senate Bill 269 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 279

Senator Gard called up Senate Bill 279 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 279-1)

Madam President: I move that Senate Bill 279 be amended to read as follows:

Page 2, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 3. IC 13-11-2-212 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 212. (a) "Solid

waste processing facility", for purposes of IC 13-19-3-8.2, **IC 13-19-4, IC 13-20-1, IC 13-20-4, and IC 13-20-6**, means a facility at which at least one (1) of the following is located:

(1) A solid waste incinerator.

(2) A transfer station.

(3) A solid waste baler.

(4) A solid waste shredder.

(5) A resource recovery system.

(6) A composting facility.

(7) A garbage grinding system.

(8) A medical or an infectious waste treatment facility.

(9) A solid waste solidification facility that is not located on a landfill.

(10) A facility that uses plasma arc or another source of heat to treat solid waste.

(b) The term does not include a facility or operation that generates solid waste."

Page 5, line 13, after "disposal facility" insert "**or a solid waste processing facility, except a transfer station,**".

Renumber all SECTIONS consecutively.

(Reference is to SB 279 as printed February 23, 2005.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 295

Senator Steele called up Senate Bill 295 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 324

Senator Server called up Senate Bill 324 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 330

Senator Ford called up Senate Bill 330 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 358

Senator Waltz called up Senate Bill 358 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 378

Senator Weatherwax called up Senate Bill 378 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 378-1)

Madam President: I move that Senate Bill 378 be amended to read as follows:

Page 8, between lines 6 and 7, begin a new paragraph and insert:

"Sec. 6. As used in this chapter, "pass through entity" means:
(1) a corporation that is exempt from the adjusted gross
income tax under IC 6-3-2-2.8(2);
(2) a partnership;
(3) a limited liability company; or
(4) a limited liability partnership."

Page 8, line 7, delete "6." and insert "7."

Page 8, line 12, after "equipment" insert **"and other real and personal property"**.

Page 8, line 15, delete "7." and insert "8."

Page 8, delete line 17.

Page 8, line 18, delete "(2)" and insert "(1)".

Page 8, line 19, delete "(3)" and insert "(2)".

Page 8, line 20, delete "(4)" and insert "(3)".

Page 8, line 24, delete "8." and insert "9."

Page 8, line 27, delete "9." and insert "10."

Page 8, line 35, after "powerplant" insert **"and for the taxable years provided in section 12 of this chapter"**.

Page 8, line 36, delete "10." and insert "11."

Page 8, line 36, delete "(a)".

Page 8, line 36, delete "subsection (b) and".

Page 8, line 36, delete "11" and insert "12".

Page 8, delete lines 39 through 42.

Page 9, delete lines 1 through 8.

Page 9, line 15, delete "11." and insert "12."

Page 9, line 15, delete "10" and insert "11".

Page 9, line 17, delete "credit is granted." and insert **"taxpayer places into service an integrated coal gasification powerplant."**

Page 9, line 19, delete "10" and insert "11".

Page 9, line 20, delete "10" and insert "11".

Page 9, delete lines 24 through 32, begin a new line block indented and insert:

"(c) If the credit allowed by this chapter is available to a member of an affiliated group of corporations filing a consolidated return under IC 6-3-4-14, the credit shall be applied against the state tax liability of the affiliated group."

Page 9, line 33, delete "12." and insert "13."

Page 9, line 38, delete "13." and insert "14."

Page 9, line 42, delete "14." and insert "15."

Page 10, line 12, delete "all".

Page 10, line 12, after "its employees" insert **"at the integrated coal gasification powerplant,"**.

Page 10, line 14, after "Code)" insert ",".

Page 10, line 19, delete "not more than thirty (30) days" and insert **"and the department at least forty-five (45) days before executing any agreement"**.

Page 10, line 20, delete "after the taxpayer makes or receives a proposal".

Page 10, between lines 27 and 28, begin a new line block indented and insert:

"(8) A requirement that the taxpayer shall use Indiana coal at the taxpayer's integrated coal gasification powerplant."

Page 10, line 31, delete ":" and insert **"whether the taxpayer is**

in compliance with the agreement."

Page 10, delete lines 32 through 37.

Page 10, line 40, delete "The certificate must indicate whether at least ninety-five".

Page 10, delete lines 41 through 42, begin a new paragraph and insert:

"Sec. 16. If a pass through entity does not have state tax liability against which the tax credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:

(1) the tax credit determined for the pass through entity for the taxable year; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled."

Page 11, delete lines 1 through 7.

Page 11, line 8, delete "15." and insert "17."

Page 11, line 12, delete "14" and insert "15".

Page 11, line 13, delete "14" and insert "15".

(Reference is to SB 378 as printed February 25, 2005.)

WEATHERWAX

Motion prevailed. The bill was ordered engrossed.

Senate Bill 397

Senator Landske called up Senate Bill 397 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 414

Senator Ford called up Senate Bill 414 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 416

Senator Gard called up Senate Bill 416 for second reading. The bill was read a second time by title.

SENATE MOTION

(Amendment 416-1)

Madam President: I move that Senate Bill 416 be amended to read as follows:

Page 1, line 4, delete "IC 16-21-9.5," and insert **"and"**.

Page 1, line 4, delete "and IC 16-24.5-7".

Page 2, line 19, delete "IC 16-21-9.5," and insert **"and"**.

Page 2, line 20, delete "and IC 16-24.5-7".

Page 2, delete lines 26 through 32.

Page 3, line 2, delete "IC 16-21-6, IC 16-21-6.5," and insert **"IC 16-21-6 and"**.

Page 3, line 2, delete "IC 16-21-9.5,"

Page 3, line 3, delete "IC 16-24.5-6, and IC 16-24.5-7,".

Page 5, delete lines 21 through 35.

Page 6, delete lines 2 through 8.

Page 6, line 13, delete "IC 16-21-6.5-4;" and insert

"IC 16-21-6.5-3;".

Page 6, line 15, delete "IC 16-24.5-6-3." and insert **"IC 16-24.5-6-2."**

Page 7, line 42, delete "IC 16-21-6.5-5;" and insert **"IC 16-21-6.5-4;"**.

Page 8, line 2, delete "IC 16-24.5-6-4." and insert **"IC 16-24.5-6-3."**

Page 8, line 6, delete "IC 16-21-9.5," and insert **"and"**.

Page 8, line 6, delete "and IC 16-24.5-7,".

Page 8, line 37, delete "IC 16-21-9.5," and insert **"and"**.

Page 8, line 37, delete "and IC 16-24.5-7,".

Page 11, delete lines 40 through 42.

Page 12, delete lines 1 through 10.

Page 12, line 11, delete "Sec. 4." and insert **"Sec. 3."**

Page 12, line 15, delete "Sec. 5." and insert **"Sec. 4."**

Page 12, line 18, delete "Sec. 6." and insert **"Sec. 5."**

Page 12, delete line 25.

Page 12, line 26, delete "(2)" and insert **"(1)"**.

Page 12, line 30, delete "(3)" and insert **"(2)"**.

Page 12, line 31, delete "(4)" and insert **"(3)"**.

Page 12, line 32, after "gross" insert **"patient"**.

Page 12, between lines 32 and 33, begin a new line double block indented and insert:

"(B) total Medicare contractual allowances;".

Page 12, line 33, delete "(B)" and insert **"(C)"**.

Page 12, line 33, after "gross" insert **"patient"**.

Page 12, delete lines 34 through 36, begin a new line double block indented and insert:

"(D) total Medicaid contractual allowances;

(E) gross patient revenue from all other third party payors;

(F) total contractual allowances for all other third party payors;".

Page 12, line 37, delete "(F)" and insert **"(G)"**.

Page 12, line 38, delete "(G)" and insert **"(H)"**.

Page 12, line 39, delete "(H)" and insert **"(I)"**.

Page 13, delete line 2 and insert **"accounts."**

Page 13, line 3, delete "Sec. 7." and insert **"Sec. 6."**

Page 13, line 5, delete "6" and insert **"5"**.

Page 13, line 8, delete "Sec. 8." and insert **"Sec. 7."**

Page 13, line 8, delete "6" and insert **"5"**.

Page 13, line 32, delete "Sec. 9." and insert **"Sec. 8."**

Page 13, line 32, delete "6" and insert **"5"**.

Page 13, line 37, delete "6" and insert **"5"**.

Page 13, line 40, delete "8" and insert **"7"**.

Page 14, line 13, delete "6 and 8" and insert **"5 and 7"**.

Page 14, line 15, delete "8" and insert **"7"**.

Page 14, line 23, delete "Sec. 10." and insert **"Sec. 9."**

Page 14, line 26, delete "Sec. 11." and insert **"Sec. 10."**

Page 14, line 30, delete "6 and 8" and insert **"5 and 7"**.

Page 14, line 35, delete "Sec. 12." and insert **"Sec. 11."**

Page 14, line 38, delete "6 and 8" and insert **"5 and 7"**.

Page 15, line 4, delete "Sec. 13." and insert **"Sec. 12."**

Page 15, line 8, delete "6 and 8" and insert **"5 and 7"**.

Page 15, line 16, delete "Sec. 14." and insert **"Sec. 13."**

Page 15, line 21, delete "9" and insert **"8"**.

Page 15, delete lines 23 through 36.

Page 18, line 18, delete "an entity or a location" and insert **"a place, an entity, an enterprise, a motor vehicle, or a vehicle"**.

Page 18, line 19, delete "entity or a location" and insert **"place, entity, enterprise, motor vehicle, or vehicle is a physician's office that"**.

Page 24, delete lines 4 through 16.

Page 24, line 17, delete "Sec. 3." and insert **"Sec. 2."**

Page 24, line 21, delete "Sec. 4." and insert **"Sec. 3."**

Page 24, line 24, delete "Sec. 5." and insert **"Sec. 4."**

Page 24, delete lines 30 through 31.

Page 24, line 32, delete "(2)" and insert **"(1)"**.

Page 24, line 36, delete "(3)" and insert **"(2)"**.

Page 24, line 37, delete "(4)" and insert **"(3)"**.

Page 24, line 38, after "gross" insert **"patient"**.

Page 24, between lines 38 and 39, begin a new line double block indented and insert:

"(B) total Medicare contractual allowances;".

Page 24, line 39, delete "(B)" and insert **"(C)"**.

Page 24, line 39, after "gross" insert **"patient"**.

Page 24, delete lines 40 through 42, begin a new line double block indented and insert:

"(D) total Medicaid contractual allowances;

(E) gross patient revenue from all other third party payors;

(F) total contractual allowances for all other third party payors;".

Page 25, line 1, delete "(F)" and insert **"(G)"**.

Page 25, line 2, delete "(G)" and insert **"(H)"**.

Page 25, line 3, delete "(H)" and insert **"(I)"**.

Page 25, delete line 8 and insert **"accounts."**

Page 25, line 9, delete "Sec. 6." and insert **"Sec. 5."**

Page 25, line 11, delete "5" and insert **"4"**.

Page 25, line 14, delete "Sec. 7." and insert **"Sec. 6."**

Page 25, line 14, delete "5" and insert **"4"**.

Page 25, line 38, delete "Sec. 8." and insert **"Sec. 7."**

Page 25, line 38, delete "5" and insert **"4"**.

Page 26, line 1, delete "5" and insert **"4"**.

Page 26, line 4, delete "7" and insert **"6"**.

Page 26, line 19, delete "5 and 7" and insert **"4 and 6"**.

Page 26, line 21, delete "7" and insert **"6"**.

Page 26, line 29, delete "Sec. 9." and insert **"Sec. 8."**

Page 26, line 32, delete "Sec. 10." and insert **"Sec. 9."**

Page 26, line 36, delete "5 and 7" and insert **"4 and 6"**.

Page 26, line 42, delete "Sec. 11." and insert **"Sec. 10."**

Page 27, line 3, delete "5 and 7" and insert **"4 and 6"**.

Page 27, line 11, delete "Sec. 12." and insert **"Sec. 11."**

Page 27, line 15, delete "5 and 7" and insert **"4 and 6"**.

Page 27, line 23, delete "Sec. 13." and insert **"Sec. 12."**

Page 27, line 28, delete "8" and insert **"7"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 416 as printed February 25, 2005.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 432

Senator Miller called up Senate Bill 432 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 432-3)

Madam President: I move that Senate Bill 432 be amended to read as follows:

Page 1, line 9, after "(b)" insert **"Subsections (d) through (g) do not apply to a health facility licensed under IC 16-28 that has:**
(1) maintained; and
(2) reported to the office of Medicaid policy and planning established by IC 12-8-6-1;
a comprehensive care bed occupancy rate of at least ninety-five percent (95%) for two (2) consecutive quarters.

(c)".

Page 2, line 18, delete "(c)" and insert "(d)".

Page 2, line 20, delete "(d)" and insert "(e)".

Page 2, line 22, delete "(e)" and insert "(f)".

Page 2, line 24, delete "(f)" and insert "(g)".

Page 2, line 30, delete "(g)" and insert "(h)".

(Reference is to SB 432 as printed February 25, 2005.)

MILLER

Motion prevailed.

SENATE MOTION
(Amendment 432-4)

Madam President: I move that Senate Bill 432 be amended to read as follows:

Page 1, line 9, after "(b)" insert **"Subsections (d) through (g) do not apply to a health facility licensed under IC 16-28 if the following conditions are met:**

(1) Construction plans for the project to construct, add, or convert comprehensive care beds are approved by the state department of health and the department of fire and building safety.

(2) The health facility can provide documentation to the state department that the facility:

(A) has adequate financing or proof of the facility's financial ability to complete the project as approved; and

(B) has incurred financial liability for the project to construct, add, or convert comprehensive care beds.

(3) The health facility has completed construction of:

(A) the conversion; or

(B) the project's foundation if the comprehensive care bed concerns a new construction;

in conformity with the approved plans as certified by an independent architect licensed under IC 25-4 or an

independent professional engineer licensed under IC 25-31.

(c)".

Page 2, line 18, delete "(c)" and insert "(d)".

Page 2, line 20, delete "(d)" and insert "(e)".

Page 2, line 22, delete "(e)" and insert "(f)".

Page 2, line 24, delete "(f)" and insert "(g)".

Page 2, line 30, delete "(g)" and insert "(h)".

(Reference is to SB 432 as printed February 25, 2005.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 453

Senator Clark called up Senate Bill 453 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 453-1)

Madam President: I move that Senate Bill 453 be amended to read as follows:

Page 1, line 6, after "any" insert **"physical or mechanical".**

Page 1, line 6, after "damage" insert **", as defined in Section 13 of this chapter,".**

(Reference is to SB 453 as printed February 25, 2005.)

CLARK

Motion prevailed. The bill was ordered engrossed.

Senate Bill 459

Senator Dillon called up Senate Bill 459 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 459-1)

Madam President: I move that Senate Bill 459 be amended to read as follows:

Page 4, line 13, delete "6-3.1-25-15(a)." and insert **"6-3.1-25-15(a) or IC 6-3.1-25-15(b)."**

Page 10, delete lines 11 through 14, begin a new paragraph and insert:

"(b) For each taxable year following the taxable year described in subsection (a)(2), a percentage of an employee's eligible benefits are included in the employee's state adjusted gross income (as defined in IC 6-3-1-3.5(a)) as follows:

(1) For an employee whose annual income derived from the taxpayer is forty thousand dollars (\$40,000) or less, zero percent (0%).

(2) For an employee whose annual income derived from the taxpayer is greater than forty thousand dollars (\$40,000) and less than eighty thousand dollars (\$80,000), fifty percent (50%).

(3) For an employee whose annual income derived from the taxpayer is eighty thousand dollars (\$80,000) or greater, one hundred percent (100%)."

Page 10, line 15, delete (b) and insert "(c)".
(Reference is to SB 459 as printed February 25, 2005.)

DILLON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 460

Senator Server called up Senate Bill 460 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 503

Senator Hershman called up Senate Bill 503 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 503-1)

Madam President: I move that Senate Bill 503 be amended to read as follows:

Page 2, line 17, delete ":" and insert **"any of the following apply:"**.

Page 2, line 18, delete "(1) the" and insert **"(1) The"**.

Page 2, line 19, delete ";" and insert ".".

Page 2, line 20, delete "(2) the" and insert **"(2) The"**.

Page 2, line 21, delete "; or" and insert ".".

Page 2, line 22, delete "(3) the" and insert **"(3) The"**.

Page 2, between lines 32 and 33, begin a new line block indented and insert:

"(4) The disclosure of the Social Security number is for the purpose of administration of a state agency employee's or the state agency employee's dependent's health benefits."

Page 3, line 25, delete "employees" and insert **"employs"**.

Page 5, delete lines 39 through 41, begin a new paragraph and insert:

"Sec. 2. As used in this chapter, "redacting technology" refers to technology that has the ability to:

(1) search recorded documents; and

(2) redact Social Security numbers from recorded documents."

Page 6, line 32, delete "the" and insert **"redacting"**.

Page 6, line 32, after "technology" insert ".".

Page 6, line 32, delete "described in section 11(b) of this chapter."

Page 6, line 39, delete "12" and insert **"11"**.

Page 7, delete lines 3 through 13.

Page 7, line 14, delete "12." and insert **"11."**

Page 7, line 18, delete "the".

Page 7, line 18, delete "described".

Page 7, line 19, delete "in section 11(b) of this chapter".

Page 7, delete lines 20 through 23.

Page 7, line 25, delete "shall" and insert **"may"**.

Page 7, between lines 33 and 34, begin a new paragraph and insert:

"(c) County recorders shall seek federal grants, private funds, and other possible sources of money to implement the

redacting technology required by IC 36-2-7.5, as added by this act."

Page 7, line 34, delete "(c)" and insert **"(d)"**.

(Reference is to SB 503 as printed February 25, 2005.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 504

Senator Hershman called up Senate Bill 504 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 509

Senator Clark called up Senate Bill 509 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 509-1)

Madam President: I move that Senate Bill 509 be amended to read as follows:

Page 4, line 16, after "property," insert **"including a claim or action involving a construction defect (as defined in IC 32-27-3-1(5) brought against a construction professional (as defined in IC 32-27-3-1(4)),"**

(Reference is to SB 509 as printed February 25, 2005.)

CLARK

Motion prevailed. The bill was ordered engrossed.

Senate Bill 512

Senator Drozda called up Senate Bill 512 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 512-2)

Madam President: I move that Senate Bill 512 be amended to read as follows:

Page 5, line 14, strike "sixty-five percent (65%)" and insert **"fifty-five percent (55%)"**.

Page 7, line 42, strike "sixty-five percent (65%)" and insert **"fifty-five percent (55%)"**.

(Reference is to SB 512 as printed February 25, 2005.)

ZAKAS

The Chair ordered a division of the Senate. Yeas 14, nays 29. Motion failed. The bill was ordered engrossed.

Senate Bill 524

Senator Clark called up Senate Bill 524 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 524-1)

Madam President: I move that Senate Bill 524 be amended to

read as follows:

Page 10, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 12. IC 36-7-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. "Blighted area" means an area in which normal development and occupancy are undesirable or impossible because of:

- (1) lack of development;
- (2) cessation of growth;
- (3) deterioration of improvements;
- (4) character of occupancy;
- ~~(5) age;~~
- ~~(6) (5) obsolescence;~~
- ~~(7) (6) substandard buildings;~~ or
- ~~(8) (7) other factors that impair values or prevent a normal use or development of property."~~

Renumber all SECTIONS consecutively.

(Reference is to SB 524 as printed February 25, 2005.)

CLARK

Motion prevailed. The bill was ordered engrossed.

Senate Bill 525

Senator Zakas called up Senate Bill 525 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 529

Senator Lawson called up Senate Bill 529 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 529-1)

Madam President: I move that Senate Bill 529 be amended to read as follows:

Page 2, line 34, delete "," and insert "**and the department of local government finance shall certify under section 16 of this chapter**".

Page 2, line 35, delete "certified by the department of child" and insert "**necessary to pay the following:**".

Page 2, delete line 36.

Page 2, line 37, after "The" insert "**cost of child services (as defined in IC 12-19-7-1) of the county payable from the**".

Page 2, line 38, after "The" insert "**cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the**".

Page 2, between lines 39 and 40, begin a new line blocked left and insert:

"A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter."

Page 3, line 1, after "the" insert "**county fiscal body or the**".

Page 3, line 6, delete "certified" and insert "**recommended**".

Page 3, line 9, delete "certified" and insert "**recommended**".

Page 7, delete line 42.

Page 8, delete lines 1 through 16.

Page 10, line 22, delete "require" and insert "**conduct a public hearing to determine whether to recommend to**".

Page 10, line 33, after "hearing" insert ",".

Page 10, line 34, delete "required under section 2 of this chapter,".

Page 11, line 8, delete "final determination" and insert "**recommendation**".

Page 11, line 15, delete "final determination" and insert "**recommendation**".

Page 11, line 16, delete "final determination" and insert "**recommendation**".

Page 11, line 18, delete "final" and insert "**recommendation,**".

Page 11, line 19, delete "determination,".

Page 11, line 20, reset in roman "as soon as possible determine whether".

Page 11, line 21, reset in roman "or not to loan the requested amount to the".

Page 11, line 21, delete "vote to" and insert "**department; and**".

Page 11, delete line 22.

Page 11, line 23, after "(b)" insert "**(2)**".

Page 11, line 23, delete "If" and insert "if".

Page 11, line 23, reset in roman "the county fiscal body votes to allow a loan to be made,".

Page 11, line 23, after "made," delete "The" and insert "the".

Page 11, line 24, delete "(2)".

Page 11, reset in roman lines 26 through 27.

Page 11, line 28, before "county director" reset in roman "the".

Page 11, line 28, after "director" insert "**department**".

Page 11, line 28, reset in roman "of the county fiscal body's decision.".

Page 12, line 3, reset in roman "receives permission from the county fiscal body to borrow".

Page 12, line 4, reset in roman "money".

Page 12, line 4, delete "conducts a hearing and issues a resolution to borrow".

Page 12, line 5, delete "money".

Page 12, line 17, delete "money was borrowed under IC 12-1-11.5 (before its" and insert "**the department:**".

Page 12, delete line 18.

Page 12, line 21, reset in roman "receives permission from the county fiscal body".

Page 12, line 21, delete "conducts a".

Page 12, line 22, delete "hearing and issues a resolution".

Page 13, line 27, delete "that the department".

Page 13, line 28, delete "certifies is".

Page 14, line 28, delete "certified by the department" and insert "**necessary to pay the costs of the child services of the county**".

Page 14, line 28, delete "ensuing" and insert "**next fiscal**".

Page 14, line 31, delete "." and insert "**and comply with IC 6-1.1-17-3.**".

Page 15, line 9, delete "shall establish" and insert "**compute**".

Page 15, line 13, after "chapter" insert ".".

Page 15, line 26, delete "after considering the".

Page 15, delete lines 27 through 28.

Page 15, line 30, strike "finally".

Page 15, line 31, strike "approved".

Page 15, line 33, strike "and".

Page 15, line 34, delete "." and insert "; **and**

(3) filed with the department of local government finance.".

Page 15, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 33. IC 12-19-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. In September of each year, at the time provided by law, the county fiscal body shall do the following:

(1) Make the appropriations out of the family and children's fund that are:

(A) based on the budget as submitted; and

(B) necessary to **maintain pay** the child services of the county for the next fiscal year. ~~subject to the maximum levy set forth in IC 6-1.1-18.6.~~

(2) Levy a tax in an amount necessary to produce the appropriated money."

Page 16, delete lines 1 through 5.

Page 17, between lines 31 and 32, begin a new line block indented and insert:

"(3) File the estimate and statement with the department of local government finance."

Page 18, line 6, delete "final determination" and insert "**recommendation**".

Page 18, between lines 13 and 14, begin a new paragraph and insert:

"(c) If the county executive fails to borrow sufficient money to carry out the purposes under section 15 of this chapter either under this chapter or IC 12-19-5, the department may appeal to the department of local government finance for a determination. A copy of the appeal must be filed with the county fiscal body. The department of local government finance shall immediately conduct a hearing in the county on an appeal filed under this subsection. If the department determines that insufficient money is available to carry out the purposes under section 15 of this chapter, the department of local government finance shall issue an appropriate order. The order may require the county to reduce its general fund budget and transfer sufficient money to the fund or require the county to borrow money for the fund to carry out the purposes under section 15 of this chapter."

Page 19, line 19, delete "that the department".

Page 19, line 20, delete "certifies is".

Page 21, line 18, delete "certified by the" and insert

"necessary to pay the costs of children's psychiatric residential treatment services of the county".

Page 21, line 19, delete "department".

Page 21, line 19, delete "ensuing" and insert "**next fiscal**".

Page 22, line 4, delete "shall establish" and insert "**compute**".

Page 22, line 25, strike "finally approved".

Page 22, line 25, reset in roman "recommended".

Page 22, line 27, strike "and".

Page 22, line 28, delete "." and insert "; **and**

(3) filed with the department of local government finance.

SECTION 45. IC 12-19-7.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. In September of each year, at the time provided by law, the county fiscal body shall do the following:

(1) Make the appropriations out of the children's psychiatric residential treatment services fund that are:

(A) based on the budget as submitted; and

(B) necessary to **maintain pay** the children's psychiatric residential treatment services of the county for the next fiscal year. ~~subject to the maximum levy set forth in IC 6-1.1-18.6.~~

(2) Levy a tax in an amount necessary to produce the appropriated money."

Page 23, between lines 2 and 3, begin a new line block indented and insert:

"(3) File the estimate and statement with the department of local government finance."

Page 23, line 19, delete "final determination" and insert "**recommendation**".

Page 23, between lines 26 and 27, begin a new paragraph and insert:

"(c) If the county executive fails to borrow sufficient money to carry out the purposes under section 14 of this chapter either under this chapter or IC 12-19-5, the department may appeal to the department of local government finance for a determination. A copy of the appeal must be filed with the county fiscal body. The department of local government finance shall immediately conduct a hearing in the county on an appeal filed under this subsection. If the department determines that insufficient money is available to carry out the purposes under section 14 of this chapter, the department of local government finance shall issue an appropriate order. The order may require the county to reduce its general fund budget and transfer sufficient money to the fund or require the county to borrow money for the fund to carry out the purposes under section 14 of this chapter."

Page 70, line 37, after "IC 6-1.1-18.6;" insert "IC 12-7-2-31.5; IC 12-7-2-31.6; IC 12-13-14.5;"

Renumber all SECTIONS consecutively.

(Reference is to SB 529 as printed February 25, 2005.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 533

Senator Riegsecker called up Senate Bill 533 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 536

Senator Clark called up Senate Bill 536 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 536-2)

Madam President: I move that Senate Bill 536 be amended to read as follows:

Page 1, line 17, delete "by the Indiana".

Page 2, line 1, delete "economic development corporation".

Page 2, line 17, delete "(c)." and insert **"(c), after considering recommendations made by the department of workforce development."**

Page 2, line 18, after "The" insert **"corporation shall enter into an agreement with the"**.

Page 2, line 18, delete "shall" and insert **"for the department of workforce development to"**.

Page 2, between lines 29 and 30, begin a new line block indented and insert:

"(4) Interest and penalties collected."

Page 2, line 31, after "expenditures" insert **"for the program established under IC 22-4-10.5"**.

Page 2, line 32, delete "chapter." and insert **"chapter, after considering recommendations made by the department of workforce development."**

Page 2, line 38, after "Sec. 6." insert **"(a)"**.

Page 2, between lines 41 and 42, begin a new paragraph and insert:

"(b) The Indiana economic development corporation shall enter into an agreement with the department of workforce development for the department of workforce development to administer the fund."

Page 4, line 15, delete "development." and insert **"development under an agreement between the Indiana economic development corporation and the department of workforce development."**

(Reference is to SB 536 as printed February 23, 2005.)

CLARK

Motion prevailed. The bill was ordered engrossed.

Senate Bill 549

Senator Broden called up Senate Bill 549 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 549-1)

Madam President: I move that Senate Bill 549 be amended to read as follows:

Page 1, line 2, delete "[EFFECTIVE JULY 1, 2005]" and insert "[EFFECTIVE UPON PASSAGE]".

(Reference is to sb 549 as printed February 25, 2005.)

BRODEN

Motion prevailed. The bill was ordered engrossed.

8:19 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 8:21 p.m., with the President of the Senate in the Chair.

SENATE BILLS ON SECOND READING**Senate Bill 557**

Senator M. Young called up Senate Bill 557 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 566

Senator Dillon called up Senate Bill 566 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 566-2)

Madam President: I move that Senate Bill 566 be amended to read as follows:

Page 4, between lines 39 and 40, begin a new line double block indented and insert:

"(J) The requirements for the National Health Information Network."

Page 4, line 40, delete "(J)" and insert **"(K)"**.

(Reference is to SB 566 as printed February 25, 2005.)

DILLON

Motion prevailed.

SENATE MOTION
(Amendment 566-1)

Madam President: I move that Senate Bill 566 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-163 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional

services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, an emergency medical technician-basic advanced, an emergency medical technician-intermediate, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

- (A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;
- (B) is organized or registered under state law; and
- (C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5, means an individual licensed or authorized by this state to provide health care or professional services as:

- (1) a licensed physician;
- (2) a registered nurse;
- (3) a licensed practical nurse;
- (4) an advanced practice nurse;
- (5) a licensed nurse midwife;
- (6) a paramedic;
- (7) an emergency medical technician;
- (8) an emergency medical technician-basic advanced;
- (9) an emergency medical technician-intermediate; or
- (10) a first responder, as defined under IC 16-18-2-131.

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

(d) "Health care provider", for purposes of IC 16-40-3, means any of the following:

- (1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a psychologist, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.**
- (2) A blood bank, laboratory, community mental health center, community mental retardation center, community health center, or migrant health center.**
- (3) A home health agency (as defined in IC 16-27-1-2).**
- (4) A health maintenance organization (as defined in IC 27-13-1-19).**
- (5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).**
- (6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:**

- (A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;**
- (B) is organized or registered under state law; and**
- (C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.**

- (7) A person that is designated to maintain the records of a person described in subdivisions (1) through (6).**

SECTION 2. IC 16-18-2-163.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 163.3. "Health care quality indicator data", for purposes of IC 16-40-3, has the meaning set forth in IC 16-40-3-1.**

SECTION 3. IC 16-18-2-164.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 164.6. "Health coverage provider", for purposes of IC 16-40-3, has the meaning set forth in IC 16-40-3-2.**

SECTION 4. IC 16-18-2-294.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 294.5. (a) "Program", for purposes of IC 16-40-3, has the meaning set forth in IC 16-40-3-3.**

(b) "Program", for purposes of IC 16-47-1, has the meaning set forth in IC 16-47-1-3.

SECTION 5. IC 16-40-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 3. Health Care Quality Indicator Data Program

Sec. 1. As used in this chapter, "health care quality indicator data" means information concerning the provision of health care services that may be collected and used to measure and compare quality of health care services.

Sec. 2. As used in this chapter, "health coverage provider" means any of the following:

- (1) An insurer (as defined in IC 27-1-2-3) that issues or delivers a policy of accident and sickness insurance (as defined in IC 27-8-5-1).
- (2) A health maintenance organization (as defined in IC 27-13-1-19).
- (3) The administrator of a program of self-insurance established, implemented, or maintained to provide coverage for health care services to the extent allowed by the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).
- (4) The state Medicaid program (IC 12-15).
- (5) The children's health insurance program (IC 12-17.6).
- (6) The Indiana comprehensive health insurance association (IC 27-8-10).
- (7) A person that is designated to maintain the records of a person described in subdivisions (1) through (6).

Sec. 3. As used in this chapter, "program" refers to the health care quality indicator data program developed and implemented under sections 4 and 5 of this chapter.

Sec. 4. (a) The state department shall, in compliance with state and federal law, develop a plan for a health care quality indicator data program. The plan shall be completed by December 31, 2006 and include the following:

- (1) A list of health care quality indicators for which data will be collected concerning health care services provided to individuals who reside or receive health care services in Indiana. The state department shall seek the assistance of health coverage providers and health care providers in developing the list under this subdivision.
- (2) A methodology for health care quality indicator data collection, analysis, distribution, and use.
- (3) The inclusion of data concerning ethnicity and minority status, as allowed by the individuals about whom health care quality indicator data is collected.
- (4) A methodology to provide for a case mix system or other scientific criteria to develop and adjust health quality indicators, including infection rates, that may be affected by risks and variables.

Sec. 5. The state department of health is authorized to develop and implement a health care quality indicator program as provided for in this chapter and to include the following:

- (1) Criteria listed under section 4 of this chapter.
- (2) Health care quality indicator data collected from a

health coverage provider or health care provider under this chapter must be obtainable from electronic records developed and maintained in the health coverage provider's or health care provider's ordinary course of business.

(3) Health coverage providers and health care providers are not required to establish or amend medical record systems or other systems to conform to the program.

Sec. 6. The following shall comply with the data collection requirements of the program:

- (1) A health coverage provider.
- (2) A health care provider.
- (3) An out-of-state health coverage provider that:
 - (A) provides health coverage;
 - (B) administers health coverage provided; or
 - (C) maintains records concerning health coverage provided;
 to an individual who resides or receives health care services in Indiana.
- (4) An out-of-state health care provider that:
 - (A) provides health care services; or
 - (B) maintains records concerning health care services provided;
 to an individual who resides or receives health care services in Indiana.

Sec. 7. Health care quality indicator data and other information collected under this chapter, or resulting from the program, from which the identity of a person, including:

- (1) an individual;
- (2) a health coverage provider; or
- (3) a health care provider;

may be ascertained is confidential and, unless otherwise specified under state or federal law, may not be released to any person without the written consent of the identified person.

Sec. 8. Financial information that:

- (1) is collected under this chapter; or
- (2) results from the program;

is confidential.

Sec. 9. The state department shall adopt rules under IC 4-22-2 to implement this chapter."

Renumber all SECTIONS consecutively.

(Reference is to SB 566 as printed February 25, 2005.)

DILLON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 568

Senator Miller called up Senate Bill 568 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 578

Senator Hershman called up Senate Bill 578 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 578-2)

Madam President: I move that Senate Bill 578 be amended to read as follows:

Page 8, line 14, after "authority," insert **"the public finance director, and any other employee or agent of the authority authorized by resolution of the authority to handle funds or sign checks,"**.

Page 8, line 14, delete "the member's" and insert **"the individual's"**.

Page 8, line 15, strike "twenty-five" and insert **"fifty"**.

Page 8, line 16, strike "\$25,000)." and insert **"(\$50,000).".**

Page 8, line 16, strike "any member of the authority" and insert **"an individual described in this section"**.

Page 8, line 17, strike "member" and insert **"individual"**.

Page 8, line 19, strike "member's" and insert **"individual's"**.

Page 8, line 23, after "performance of the" insert **"individual's"**.

Page 8, line 23, strike "of the office".

Page 8, line 24, strike "of the member".

Page 8, line 26, strike "member" and insert **"individual described in this section"**.

Page 15, line 27, after "hold" insert **"debt"**.

Page 17, line 32, after "purchases" insert **"debt"**.

Page 20, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 25. IC 4-4-11-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 38. The authority shall, following the close of each fiscal year, submit an annual report of its activities **under the affected statutes** for the preceding year to the governor, ~~Each member of the general assembly shall receive a copy of such report by making a request for it to the chairman of the authority.~~ **the budget committee, and the general assembly. A report submitted to the general assembly must be in an electronic format under IC 5-14-6.** Each report shall set forth a complete operating and financial statement for the authority during the fiscal year it covers."

Page 37, line 33, delete "and may be removed for any reason".

Page 39, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 60. IC 5-1-16-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. Before the issuance of any bonds under this chapter:

- (1) the executive director of the authority;
- (2) **each member of the authority; and**
- (3) **any other employee or agent of the authority authorized by resolution of the authority to handle funds or sign checks;**

shall execute a surety bond in the penal sum of fifty thousand dollars (\$50,000). ~~If the executive director of the authority an individual described in subdivisions (1) through (3) is already covered by a bond required by state law, the executive director~~ **individual** need not obtain another bond if the bond required by state law is in at least the penal sum specified in this section and

covers the ~~executive director's~~ **individual's** activities for the authority. In lieu of this bond, the chairman of the authority may execute a blanket surety bond covering each member, the executive director, and the employees or other officers of the authority. Each surety bond must be conditioned upon the faithful performance of the **individual's** duties, ~~of the office of the member, executive director, employee, or officer,~~ and shall be issued by a surety company authorized to transact business in Indiana as surety. At all times after the issuance of any surety bonds, these surety bonds shall be maintained in full force and effect. All costs of the surety bonds shall be borne by the authority."

Page 43, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 63. IC 5-1-16-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 35. The authority shall submit an annual report of its activities for the preceding fiscal year to the governor, **the budget committee,** and the general assembly. An annual report submitted under this section to the general assembly must be in an electronic format under IC 5-14-6. ~~Each member of the general assembly who requests a written copy of the report from the chairman of the authority shall be sent a written copy.~~ Each report shall set forth a complete operating and financial statement for the authority during the fiscal year it covers."

Page 44, line 34, after "law," insert **"and except as provided by subsection (d),"**.

Page 45, between lines 3 and 4, begin a new paragraph and insert:

"(d) If the budget committee does not conduct a review of a proposed transaction under subsection (c) within forty-five (45) days after a request by the bank, the review is considered to have been conducted. If the budget director does not approve or disapprove a proposed transaction under subsection (c) within forty-five (45) days after a request by the bank, the transaction is considered to have been approved."

Page 45, line 21, after "law," insert **"and except as provided by subsection (e),"**.

Page 45, between lines 32 and 33, begin a new paragraph and insert:

"(e) If the budget committee does not conduct a review of a proposed transaction under subsection (d) within forty-five (45) days after a request by the bank, the review is considered to have been conducted. If the budget director does not approve or disapprove a proposed transaction under subsection (d) within forty-five (45) days after a request by the bank, the transaction is considered to have been approved."

Page 57, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 75. IC 5-20-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. Before the issuance of any bonds under this chapter:

- (1) the executive director of the authority;
- (2) each member of the authority; and
- (3) any other employee or agent of the authority

authorized by resolution of the authority to handle funds or sign checks;

shall execute a surety bond in the penal sum of fifty thousand dollars (\$50,000). If an individual described in subdivisions (1) through (3) is already covered by a bond required by state law, the individual need not obtain another bond if the bond required by state law is in at least the penal sum specified in this section and covers the individual's activities for the authority. In lieu of this bond, the chairman of the authority may execute a blanket surety bond covering each member, the executive director, and the employees or other officers of the authority. Each surety bond must be conditioned upon the faithful performance of the individual's duties, and shall be issued by a surety company authorized to transact business in Indiana as surety. At all times after the issuance of any surety bonds, these surety bonds shall be maintained in full force and effect. All costs of the surety bonds shall be borne by the authority."

Page 63, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 78. IC 5-20-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. The authority shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor, **the budget committee**, and the general assembly. An annual report submitted under this section to the general assembly must be in an electronic format under IC 5-14-6. The report shall set forth a complete operating and financial statement of the authority during such year, and a copy of such report shall be available to inspection by the public at the Indianapolis office of the authority. The authority shall cause an audit of its books and accounts to be made at least once in each year by an independent certified public accountant and the cost thereof may be paid from any available money of the authority."

Page 70, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 92. IC 8-10-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is hereby created a commission to be known as the "Indiana port commission" and by that name the commission may sue and be sued, and plead and be impleaded. The commission hereby created is a body both corporate and politic in the state of Indiana, and the exercise by the commission of the powers conferred by this article in the construction, operation and maintenance of a port or project shall be deemed and held to be essential governmental functions of the state, but the commission shall not however be immune from liability by reason thereof.

(b) The commission shall consist of seven (7) members, appointed by the governor, no more than four (4) of whom shall be members of the same political party. The members shall be residents of the state, and shall have been qualified electors therein for a period of at least five (5) years next preceding their appointment. The members of the commission first appointed shall continue in office for terms expiring, in the case of two (2) members, on July 1, 1962, and in the case of three (3) members, on

July 1, 1963, July 1, 1964, and July 1, 1965 and the first two (2) members appointed after January 1, 1975, shall continue in office for terms expiring July 1, 1977 for one (1) member and July 1, 1979 for the other member, respectively, and until their respective successors shall be duly appointed and qualified. The term of any member of the commission first appointed shall be designated by the governor. The successor of each such member shall be appointed for a term of four (4) years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term, and a member of the commission shall be eligible for reappointment. The governor may at any time remove any member of the commission for misfeasance, nonfeasance, or malfeasance in office. The members of the commission shall, within ten (10) days after their appointment, meet and qualify by subscribing an oath to discharge honestly and faithfully the duties of their office as members of such commission. The commission shall thereafter elect one (1) of the members as chairman and another as vice-chairman, and shall appoint a secretary-treasurer who need not be a member of the commission. Four (4) members of the commission shall constitute a quorum and the affirmative vote of four (4) members shall be necessary for any official action taken by the commission. No vacancy in the membership of the commission shall impair the rights of a quorum to exercise all the rights and perform all the duties of the commission.

(c) Before the issuance of any revenue bonds under the provisions of this article:

- (1) each appointed member of the commission; ~~shall give a surety bond to the state in the penal sum of twenty-five thousand dollars (\$25,000) and~~**
- (2) the secretary-treasurer; and**
- (3) any other employee or agent of the commission authorized by resolution of the commission to handle funds or sign checks;**

shall give a surety bond to the state in the penal sum of fifty thousand dollars (\$50,000). Each such surety bond must be conditioned upon the faithful performance of the **individual's** duties, ~~of the office~~, to be executed by a surety company authorized to transact business in the state as surety and to be approved by the governor and filed in the office of the secretary of state.

(d) Each appointed member of the commission shall receive an annual salary of seven thousand, five hundred dollars (\$7,500), payable in monthly instalments. However, no members of such commission as appointed hereunder shall receive any salary except a per diem as fixed and approved by the budget director until said commission is able to carry on the full operations as intended by this chapter, and the budget director, subject to the approval of the governor of the state of Indiana, shall determine when said salaries for said commission members shall commence.

(e) Each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties.

(f) All expenses incurred in carrying out the provisions of this article shall be payable solely from funds provided under the authority of this article and no liability or obligation shall be incurred by the commission hereunder beyond the extent to which moneys shall have been provided under the authority of this

article."

Page 70, line 11, strike "fifty (50)" and insert **"thirty-five (35)"**.

Page 71, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 94. IC 8-10-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) The commission shall cause an audit of its books and accounts to be made at least once each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or of operations of the commission's ports and projects. The accounts, books and records of the Indiana port commission shall be audited annually by the state board of accounts, and the cost of such audit may be treated as a part of the cost of construction or of operations of the commission's ports and projects.

(b) The commission shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor, ~~Each member of the general assembly shall receive a copy of the report by making a request for it to the chairman of the commission; the budget committee, and the general assembly.~~ **An annual report submitted under this section to the general assembly must be in an electronic format under IC 5-14-6.** Each report shall set forth a complete operating and financial statement for the commission during the fiscal year it covers."

Page 84, line 26, delete "(8)".

Page 84, line 26, strike "Prepare".

Page 84, line 26, strike "annual reports".

Page 84, strike lines 27 through 31.

Page 84, line 32, delete "(9)".

Page 84, line 32, strike "Submit the reports prepared under subdivision".

Page 84, line 32, delete "(8)".

Page 84, line 32, strike "to".

Page 84, line 33, before "governor" strike "the".

Page 85, delete line 1.

Page 85, line 2, delete "(10)" and insert **"(8)"**.

Page 85, line 5, delete "(11)" and insert **"(9)"**.

Page 85, line 7, delete "(12)" and insert **"(10)"**.

Page 85, line 8, delete "(13)" and insert **"(11)"**.

Page 97, line 22, delete "(9)".

Page 97, line 22, strike "Submit the reports prepared under subdivision".

Page 97, line 22, delete "(8)".

Page 97, line 22, strike "to".

Page 97, line 23, before "governor" strike "the".

Page 97, delete line 33.

Page 97, line 34, delete "(10)" and insert **"(9)"**.

Page 97, line 37, delete "(11)" and insert **"(10)"**.

Page 97, line 39, delete "(12)" and insert **"(11)"**.

Page 97, line 40, delete "(13)" and insert **"(12)"**.

Page 98, line 4, delete "(a)".

Page 98, delete lines 27 through 37.

Page 108, line 8, delete "(a)".

Page 108, delete lines 12 through 23.

Page 113, strike line 13.

Page 113, line 14, strike "and".

Page 113, line 14, delete "before October 1 of each year".

Page 113, line 14, strike "submit the reports to the".

Page 113, line 17, delete "members of the authority and the".

Page 113, delete line 18.

Page 113, line 19, delete "(8)" and insert **"(7)"**.

Page 113, line 26, delete "(9)" and insert **"(8)"**.

Page 113, line 33, delete "(10)" and insert **"(9)"**.

Page 113, line 35, delete "(11)" and insert **"(10)"**.

Page 113, line 37, delete "(12)" and insert **"(11)"**.

Page 113, line 39, delete "(13)" and insert **"(12)"**.

Page 122, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 171. IC 15-1.5-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 14. Before the issuance of any bonds under this chapter:**

(1) the executive director of the commission;

(2) each member of the commission; and

(3) any other employee or agent of the commission authorized by resolution of the commission to handle funds or sign checks;

shall execute a surety bond in the penal sum of fifty thousand dollars (\$50,000). If an individual described in subdivisions (1) through (3) is already covered by a bond required by state law, the individual need not obtain another bond if the bond required by state law is in at least the penal sum specified in this section and covers the individual's activities for the authority. In lieu of this bond, the chairman of the commission may execute a blanket surety bond covering each member, the executive director, and the employees or other officers of the commission. Each surety bond must be conditioned upon the faithful performance of the individual's duties, and shall be issued by a surety company authorized to transact business in Indiana as surety. At all times after the issuance of any surety bonds, these surety bonds shall be maintained in full force and effect. All costs of the surety bonds shall be borne by the commission.

SECTION 172. IC 15-1.5-3-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. The commission shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor, the budget committee, and the general assembly. An annual report submitted under this section to the general assembly must be in an electronic format under IC 5-14-6. The report shall set forth a complete operating and financial statement of the commission during that year."**

Page 123, line 38, after "recommendation" insert **"of the staff"**.

Page 124, line 4, after "recommendation" insert **"of the staff"**.

Page 124, line 12, after "recommendation" insert **"of the staff"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 578 as printed February 25, 2005.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 591

Senator Miller called up Senate Bill 591 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 602

Senator Rogers called up Senate Bill 602 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 620

Senator Gard called up Senate Bill 620 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 620-1)

Madam President: I move that Senate Bill 620 be amended to read as follows:

Page 2, line 39, delete "If" and insert "**This subsection applies if**".

Page 3, line 2, delete "full body contact recreation under 327 IAC 2-1-3" and insert "**the recreational use designation that applied to the waters immediately before the application to the waters of the**".

Page 3, delete line 3.

Page 3, line 5, delete "chapter, upon" and insert "**chapter to that subcategory. Upon**".

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"(c) An approved long term control plan shall be incorporated into:

(1) the NPDES permit holder's NPDES permit; or

(2) an order of the commissioner under IC 13-14-2-6."

Page 3, line 13, delete "(c)" and insert "(d)".

Page 4, line 2, delete "directly".

Page 4, line 4, delete "." and insert", **as specified in an approved long term control plan.**".

Page 5, line 10, delete "use designation under" and insert "**recreational use designation that applied to the waters immediately before the application to the waters of the CSO wet weather limited use subcategory**".

Page 5, delete line 11.

Page 5, line 12, delete "January 1, 2005)".

Page 5, line 19, delete "under 327 IAC 2-1-3 and 327" and insert "**that applied to the waters immediately before the application to the waters of the CSO wet weather limited use subcategory**".

Page 5, line 20, delete "IAC 2-1.5-5 (both as in effect on January 1, 2005)".

Page 5, line 29, after "order" insert "**of the commissioner**".
(Reference is to SB 620 as printed February 23, 2005.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 639

Senator Hume called up Senate Bill 639 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 639-1)

Madam President: I move that Senate Bill 639 be amended to read as follows:

Page 1, line 6, delete "the equivalent of" and insert "at least three percent (3%) above".

Page 2, line 3, delete "the equivalent" and insert "at least three percent (3%) above".

Page 2, line 4, delete "of".

(Reference is to SB 639 as printed February 25, 2005.)

LANANE

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 242

Senator Long called up Engrossed Senate Bill 242 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 213: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Messer and Crawford.

Engrossed Senate Bill 245

Senator Long called up Engrossed Senate Bill 245 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 214: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair

instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley, Lawson, Messer, and Crawford.

Engrossed Senate Bill 315

Senator R. Young called up Engrossed Senate Bill 315 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 215: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Stilwell.

SENATE MOTION

Madam President: I move that Senator Heinold be added as coauthor of Senate Bill 639.

HUME

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Engrossed Senate Bill 459.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as second author of Engrossed Senate Bill 536.

CLARK

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Senate Bill 503.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lewis, Mrvan, and Smith be added as coauthors of Senate Bill 38.

ANTICH-CARR

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Paul and Mishler be added as coauthors of Senate Concurrent Resolution 29.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as coauthor of Senate Bill 578.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Weatherwax be added as coauthor of Senate Concurrent Resolution 29.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be removed as author of Engrossed Senate Bill 539 and that Senator Mishler be substituted therefor.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as coauthor of Engrossed Senate Bill 539.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hershman and Lanane be added as coauthors of Engrossed Senate Bill 382.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as cosponsor of Engrossed House Bill 1250.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Clark be added as

cosponsor of Engrossed House Bill 1250.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 335.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lutz be added as coauthor of Senate Bill 549.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Clark be added as coauthor of Engrossed Senate Bill 513.

WEATHERWAX

Motion prevailed.

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on February 9, 2005, signed the following House Enrolled Act: 1003.

ROBERT D. GARTON
President Pro Tempore

SENATE MOTION

Madam President: I move that Senator Howard be added as second author of Engrossed Senate Bill 245.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 10:30 a.m., Tuesday, March 1, 2005.

GARTON

Motion prevailed.

The Senate adjourned at 8:46 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate